



01 MAY 2017



Dear 

On 28 February 2017, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *Copies of all documents relevant to the destruction of files, including old Human Resource personnel/staff files, after Child, Youth and Family became a department in its own right.*

Child Youth and Family became an organisation in its own right in October 1999 at which time the Ministry of Social Development (MSD) had not yet been established. Prior to 1999, the Department of Social Welfare Corporate Office (DSW) and Ministry of Social Policy were the relevant organisations.

Legislative Context for Destruction of Records

Two major pieces of legislation governed the retention and eventual disposal of records: the Archives Act 1957, and the Public Records Act 2005. Both Acts made the destruction of records illegal, unless authority was granted by the Chief Archivist. Authority could be 'delegated' through retention and disposal schedules, which allowed for continual destruction under this authority, or government agencies could apply for ad-hoc appraisals of specific groups of records.

The Ministry currently adheres to the Public Records Act 2005 standards and process for the destruction of records. The destruction of records is covered by a range of disposal authorities, approved by the Chief Archivist under the Act. In 2003, Archives New Zealand issued 'General Disposal Authorities' (GDA) for particular groups of records for functions common to all Public Sector Agencies. This was reissued after the passing of the Public Records Act 2005. The relevant agency specific disposal authorities are accessible on the Archway website using the following web-links:

- www.archway.archives.govt.nz/ViewEntity.do?code=DA222
- www.archway.archives.govt.nz/ViewEntity.do?code=DA70
- www.archway.archives.govt.nz/ViewEntity.do?code=DA60
- The current GDA's are available through the Archives NZ's website: records.archives.govt.nz/resources-and-guides/general-disposal-authorities/

- Previous GDA's superseded by GDA6 and GDA7 are available through the Archway website:
www.archway.archives.govt.nz/DisposalAuthorityAdvancedSearch.do

DSW Disposal Schedules 1993

In April 1993, Archives New Zealand approved a disposal schedule for Department of Social Welfare District Offices covering "certain classes of administration files". Archives New Zealand Head Office had to be provided by DSW Head Office with an annual return of the amount and type of files destroyed by each district office up to 30 June each year. It covered files relating to a variety of topics, including staff. Under 'Staff', it stated:

- *Records which may be destroyed:* Social clubs including financial records / Awards and agreements / Jobs (Requests for employment / Applications for vacancies / Interview notes) / Instructions for personal reviews and equivalent reports / Employment of waged workers, temporary staff, staff under contract / Staff Returns / Timesheets / Leave applications. / Leave cards / Deaths and Funerals / Retirements / Private Addresses
- *Records which must be kept for appraisal:* Awards and agreements / Union matters / Establishment files, and organisation charts.

The records detailed in this schedule could be destroyed after being closed for two years.

Appraisal and Destruction of DSW Head Office Records

In 1996, an appraisal process began of the entire closed records system of the Department of Social Welfare Head Office. During this process, 500 linear metres of records were sent for appraisal to Archives New Zealand. The appraisal report (approved by the Chief Archivist in June 1997) recommended that 215 linear metres of records should be transferred to Archives NZ as public archives, while 285 linear metres were recommended for destruction. It is estimated that 8,500 files were marked for destruction. Included amongst the files listed for destruction were the majority of the record series relating to DSW staff. The relevant files were updated to 'destroyed' in the Ministry's Total Records Information Management (TRIM) in October 2000.

Records destroyed in 1999

The database that lists records that were retained in the custody and control of Department of Social Welfare or Ministry of Social Policy only lists finance records as having been destroyed.

General Disposal Authorities.

GDA authorities covered Human Resources and Personnel (DA 100), Finance and Accounting (DA 101), and General Housekeeping Records (DA 102) and were a continuing authority for implementing decisions about the value of records specified in the schedule. The Human Resources and Personnel GDA allowed for most records of this type to be destroyed after between seven and ten years.

Until 2005, agencies had to 'sign up' to such GDAs in order to apply them. The Ministry of Social Development was not signed up to this GDA before the Public Records Act removed this requirement in 2005. It is believed that CYF were signed up to this GDA, and the Ministry is currently undertaking research to locate the records to confirm this.

The DSW/MSD had an embargo in place restricting the destruction of any records pending the approval and implementation of new disposal authorities as agreed to by the Chief Archivist. This was put into effect in 1990. The embargo was lifted for staff files in 2010 following the implementation of General Disposal Authority 1 (GDA1), which covers the disposal of Human Resources and Personnel Records. This has been replaced with GDA6. Child, Youth and Family staff files relating to the care of children remain exempt from any disposal based on the Ministry's policy of retaining this information to support the Historic Claims process.

When General Disposal Authorities have been applied to different record sets the Ministry has records of the authorised destruction of files, where these have been applied.

Your request for all documents relating to the destruction of files since Child, Youth and Family came into existence is very broad and substantial manual collation would be required to locate and prepare all documents within scope of your request, unless the request can be narrowed to specify what records you are particularly interested in. In order to provide all documents relevant to the destruction of staff files, the Ministry would need to divert personnel from their core duties and allocate extra time to complete this task. The diversion of these resources would impair the Ministry's ability to continue standard operations and would be an inefficient use of the Ministry's resources. As such, I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachment on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response concerning documents relevant to the destruction of files with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'for Marc Warner', is written over the typed name and title.

Marc Warner
Deputy Chief Executive, Corporate Solutions