

8 September 2020

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Lindsay

Via FYI.org.nz

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Websites www.archives.govt.nz

www.dia.govt.nz

Dear Lindsay

Official Information Act Request Reference OIA2021-0110

Thank you for your request for official information from Archives New Zealand.

You have asked:

1. *Between year 1980 to 2020, did the Chief Archivist authorise in writing the disposal/destruction of public records including source documents (RG27) and birth notification (RG9) and if so why*

The Chief Archivist authorises the disposal of public record through disposal authorities. Disposal is a broad term that means the range of processes associated with implementing records retention, destruction or transfer decisions, documented in disposal authorities.

A number of disposal authorities have been in place that cover Births, Deaths and Marriages (BDM) records during the period 1980-2020.

These are:

- SR 98/94 superseded by OP 99/136
- OP 99/136 expired 2011
- DA24 a delegated authority to transfer electoral records; expired 2002
- DA633 current; expires December 2025

DA633 is the current disposal authority that covers BDM source records. BDM is a core function of the Department of Internal Affairs. The class of records that covers BDM source records is class DIA01 – *Identity*. The relevant sub-class is DIA1.12 *Birth and Name Change Source Records*. The disposal action for this sub-class is 'Destroy 120 years from date of creation'.

A copy of the appraisal report and disposal schedule for DA633 is attached for your reference. This can also be accessed through Archway (<https://www.archway.archives.govt.nz/ViewEntity.do?code=DA633>).

Kia pono ai te rua Mahara – Enabling trusted government information

Authorities OP 99/136 and DA24 can also be obtained through Archway by clicking on the Disposal Authorities button on the homepage and entering the search term “births, deaths and marriages” into the search bar.

BDM was a function of the Department of Justice from 1931 until the restructure in 1995, where it was transferred back to the Department of Internal Affairs.

A directive from the Registrar-General in 1981 authorised the disposal of source documents which were rarely if ever referred to and so were seen to be of no value. National Archives job file SR 98/94 notes that the Registrar-General discussed this issue with Department of Justice legal advisers and intended to raise it with National Archives, however there is no record of the outcome of these discussions. An appraisal undertaken in 1985 noted that the BDM Instructions for Registration manual permitted the destruction of some categories of forms under section 3.5. There was no authority for this provided by the Chief Archivist.

From 1983, these Instructions specified retention periods to apply to the main source documents. RG27 birth registration forms were to be kept for 60 years; RG27 death forms for 5 years. Again, this was not a formal authorisation from the Chief Archivist.

The 1985 appraisal was noted as having generated useful information on BDM records but was never taken beyond the first stage and so did not result in disposal recommendations or any disposal authorisation at that time. A separate disposal authority for RG28 (Notification of Death) and RG60 (Notice of Intention to Marry) forms only was granted in 1985 by the Chief Archivist. The reasoning supplied is that all of the information present on those forms was duplicated in the registers.

I am releasing to you a copy of the 1985 appraisal report, which provides more information on the history of BDM records in New Zealand. This includes a copy of section 3.5 of the BDM Instructions for Registration manual mentioned above.

2. Is public birth records and form documents considered protected records by any New Zealand Act or Legislation

As public records, birth records and form documents are covered by the provisions of the Public Records Act 2005 (PRA) and subsequently classed under the Department of Internal Affairs’ disposal authority noted in response to question 1.

The Births, Deaths, Marriages, and Relationships Registration Act 1995 sets out provisions for the capture of births, deaths and marriages information in New Zealand. Section 4 of that Act specifies that no information is to be recorded or altered except in accordance with that Act. You can read the Births, Deaths, Marriages, and Relationships Registration Act 1995 in full here:

<http://www.legislation.govt.nz/act/public/1995/0016/73.0/DLM359369.html>.

3. Is the New Zealand Department of Justice authorised to destroy public records including source documents (RG27) and birth notification (RG9)

The Ministry of Justice was created in 1995 by the Department of Justice (Restructuring) Act 1995. The Ministry has a number of current disposal authorities. These can be viewed through Archway by entering the agency code 'ABVP' into the agency search field, and then clicking on the 'disposal authorities' tab at the top.

Disposal Authority DA642 covers the core business functions of the Ministry. As the registration of Births, Deaths and Marriages is not a core function of the Ministry, they are not currently authorised to dispose of BDM source records.

When BDM functions were transferred back to the Department of Internal Affairs in 1995, control over the records was returned to that Department.

4. Does Archives New Zealand hold source documents (RG27) and birth notification (RG9) that otherwise would be held by the Department of Internal Affairs, Birth Death and Marriages.

Archives New Zealand does not hold any source documents (RG9 or RG27) as public archives. Our holdings do include a small number of BDM registers but access to these has been restricted by the Registrar-General. Requests for access to these should be directed to the Central Registry.

The complete registers of births, deaths and marriages are held by the Central Registry of Births, Deaths and Marriages, Department of Internal Affairs. You should approach the Registry first, particularly for Births and Deaths. Contact information can be found on their website: <https://www.govt.nz/organisations/births-deaths-and-marriages/>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Foy', with a stylized, cursive script.

Richard Foy
Chief Archivist



NATIONAL ARCHIVES

DEPARTMENT OF INTERNAL AFFAIRS

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Our ref: AT84/20
Your ref:
3 May 1985

Auckland Regional Office
P O Box 2220
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Director
NATIONAL ARCHIVES

REGISTRARS OF BIRTHS DEATHS & MARRIAGES
DISPOSAL SCHEDULE: OFFICE FORMS

The report following, and records disposal schedule attached are forwarded for your approval.

It is recommended that you:

- [a] note the contents
- [b] request the views of the Registrar-General
- [c] arrange for negotiation of any necessary amendments to the schedule, between the RGO and myself
- [d] approve and promulgate the records disposal schedule.

A handwritten signature in black ink, appearing to read 'M H S Stevens', written over a horizontal line.

M H S Stevens
REGIONAL ARCHIVIST

Released under the Official Information Act 1982

National Archives Records Disposal Schedule No:

Department: Justice

Page one of one

Division/Office: Registrar-General and Registrars
of Births Deaths & Marriages

Expiry Date: 31 Decr 1995

Records Description	Action
RG 11 <u>Consent to Marriage of a Minor</u>	D5
RG 13, and RG 13A <u>Registrar's Advice of Registration</u>	D1
RG 27 <u>Birth Registration Form</u>	A5
RG 28 <u>Guide to Persons Registering a Death</u>	D5
RG 38 <u>Burial Certificate</u>	D5
RG 60 <u>Notice of Intended Marriage</u>	D5
*****	*****
<u>Key to Action Instructions:</u>	
A Transfer to National Archives for permanent preservation	
D Destroy	
1 Immediately action is completed	
5 At end of fifth calendar year after completion of the form [i.e., forms completed in 1985 become due for transfer or destruction at the end of 1990].	
*****	*****
This Schedule is to be applied retrospectively, to all backlog holdings of these forms in Registry offices.	

NOTE: This Schedule: 1. Supersedes all previous schedules relating to the same records.
2. Will lapse if there is any significant change in the character or organization of the records covered.
3. Will lapse on the expiry date.

1. Background

Registration was first required in New Zealand by legislation in 1848 (births and deaths), 1854 (marriages), and 1913 (Maori births and deaths). The function is administered in the Department of Justice, through the office of the Registrar General. The RGO supervises a large number of Registrars, each responsible for a geographical area. Each Registrar retains copies of the registrations made in that office, and also forwards the information to the RGO in Lower Hutt. Thus the RGO acts as a central depository and access point.

Present legislation affecting registration is:

Marriage Act 1955

Births & Deaths Registration Act 1979 (rep^t)

Records created by registration are public archives within the meaning of the Archives Act 1957 and nothing in the Act specifically exempts them from the control of National Archives. Nevertheless, there is no intention to remove from the custody of the RGO the registers themselves.

2. Office forms

The functions performed by Registrars lend themselves to the application of standard forms; for the recording of information required to be registered and then for the final storage of the registration details, and lastly for the production of information in response to enquiries.

Diagrammatically the information cycle may be represented thus:

	A: INFORMATION INPUT	B: INFORMATION REGISTERED	C: INFORMATION PROVIDED
BIRTH	RG13/13A RG27	RG5	RG100
MARRIAGE	RG11 RG60	RG45	RG118
DEATH	RG38 RG28	RG6	RG112

Copies of all these forms may be found on the file, immediately below this report. The forms in sections B and C are not the subject of this schedule. Forms 'B' represent the final form in which particular registrations are stored and will be retained as public archives in the care of Registrars and the RGO. Forms 'C' represent

examples of the very large group that originate in Registry Offices but do not accumulate there; they are held only as stationery items awaiting despatch as outwards correspondence to other governmental agencies or to the public.

The forms represented in Section A of the diagram do however require the attention of National Archives, for the following reasons:

- (i) they tend to accumulate in large numbers in Registries and are a potential obstacle to good records management.
- (ii) they are public records.
- (iii) disposal of the forms without National Archives approval has been allowed by the RGO.
- (iv) the forms may contain information, not recorded at section 'B' (permanent registration), that may be sufficiently important to warrant retention.

The RGO manual Instructions for Registration... section J.5.1. permits the destruction of some categories of forms: RG28 and RG60. There is no National Archives authority for this.

3. Informational content of line 'A' forms

1. RG13/RG13A Registrars advice RG11 Consent to Marriage of a minor

These forms contain no information of long term value. The RG13 forms are a species of internal communication between Registrars when more than one becomes involved in the registration of the same event. Their importance is purely transitory.

The RG11 does contain evidence of a legal consent and so should be treated on the same basis as the other forms that contain statutory declarations, (see below). Otherwise it has no value except where it would serve to identify a legal guardian who did not appear on the RG45 Particulars of Marriage.

2. RG27 Birth Registration

The specimen of this form has been annotated to show which categories of information are not recorded on the permanent registration (RG5). It will be seen that the information not so recorded concerns: the mother's occupation; the parent's Maori/Polynesian blood; and their usual residence.

3. RG60 Notice of Marriage

The same exercise, performed to compare the information of this form with that on the RG45 Particulars of Marriage, reveal a complete correspondence between the two.

4. RG28 Death Guide

This form however when compared to the RG6 Death Registration, shows that information relating to military service (except the fact that a person was an ex-serviceman which is recorded following the surname on the RG6); Maori/Polynesian blood; social security record and membership of various groups, is not permanently retained.

5. RG38 Birth Certificate

This form is required to be sent to a Registrar by the funeral director (Births & Deaths Registration Act 1979 s29). It has no informational value that is not transitory because the information relating to place of burial is required to be kept permanently by the local authority in charge of the cemetery or crematorium. (Burials and Cremations Act 1964 s50; Local Authorities Archives Schedule, No. 12.)

4. Potential justification for retention of forms

FORM	UNIQUE INFORMATIONAL CONTENT	CONTAINS STATUTORY DECLARATION
RG13/13A Registrar's Advice	NO	NO
RG11 Marriage of Minor	MARGINAL	YES
RG38 Burial Cert.	NO	YES
RG27 Birth Reg.	YES	YES
RG60 Notice of Mar.	NO	YES

RG28

Death Guide

YES

NO

In the cases where information on the preliminary forms is not permanently recorded as part of the registration (Polynesian blood, etc.), it is because a duplicate of the preliminary form is sent to the Statistics Department, so that, at the level of the individual life, the information is lost.

5. The RGO position

The Instructions (Section J.5.1) allow the following periods before destruction.

RG13	NOT SPECIFIED
RG11	NOT SPECIFIED
RG38	NOT SPECIFIED
RG27	SIXTY YRS MINIMUM
RG60	FIVE YRS
RG28	FIVE YRS

Enquiries at the Auckland Registrar's Office confirm that, as understood there, the retention period where specified is designed to meet possible requirements to refer to the original registration information when the final form is not sufficient. This view is suggested by the comments made from the RGO to Diana Morrow (see file, below). Note in particular the point that the long term preservation of statutory declarations is not necessary, as other evidence from the final registers will stand up in a court. It remains unclear why RG27 retains such a long-term potential usefulness, unless the registrar is compelled to return to it for later registration of a parent, or when the child changes a name.

When a form in the list above, is not given a retention period, it is customary in Auckland for it to be destroyed soon after receipt and processing.

6. Informational Content: Validity as Retention Criterion

<u>INFORMATION</u>	<u>FORM</u>	<u>FOUND ELSEWHERE</u>
MAORI OR PAC. IS. BLOOD	RG27 RG28	NO
RESIDENCE OF PARENTS	RG27	ELECTORAL ROLLS

OCCUPATION OF MOTHER	RG27	ELECTORAL ROLLS
MILITARY SVCE	RG28	BASE RECORDS
SOCIAL SECURITY	RG28	NOT GUARANTEED
JP, NURSE ETC.	RG28	NOT GUARANTEED

There are three related questions here:

1. Is the information available elsewhere in any form.
2. If so, is it accessible in fact, and
3. Is the information important enough, if unique or accessible only with difficulty elsewhere, to warrant retention of the RG form.

The items annotated "not guaranteed" reflect the theoretical availability of this personal data from other government or organisation data, and the actual indeterminate chances of surviving and being accessible, in terms of access restrictions, and arrangement and description.

Reviewing the overall pattern of informational value it seems to me that the key form is RG27: Birth Registration; and that the key information relates to Maori/Polynesian blood. Retention of RG27 ensures the retention of that information. As given at birth, presumably by a parent or relative, it seems less likely to be corrupt than when given at time of death, when knowledgibility of the informant is more open to doubt. Furthermore there can be no doubt of the comparative value (compared to the other information listed above as "not guaranteed") of information as to blood in these times.

Figures for the registration of births in NZ over recent years are:

1960	62,850
1965	60,047
1970	62,050
1975	56,639
1980	50,542

These forms will fit into our standard archives boxes at 1000 per box. An estimated rate of average annual growth would therefore be around 5.5 - 7m

SECTION 3.5

DESTRUCTION OF OLD FORMS

3.5.1 (1) Formal approval for the destruction of old registration forms must be obtained from the Registrar-General. Where approval is given for destruction of forms, an approach should be made to larger Government offices or the nearest prison with facilities for the shredding or burning of the documents. In the absence of such facilities Registrars must ensure that adequate security precautions are taken.

(2) Death guide form (RG 28) and Notices of Intended Marriage (RG 60) need not be retained for more than five years.

(3) Birth guide forms (RG 27) should however, be retained for at least 60 years.

EXTRACT FROM INSTRUCTIONS FOR THE
REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES. ISSUED BY THE REGISTRAR-
GENERAL LEVIN HOUSE LOWER HUTT.