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www.dia.govt.nz

Mr John Creser

Via fyi.org.nz

[fyi-request-16282-](mailto:fyi-request-16282-68a9e3f6@requests.fyi.org.nz)

[68a9e3f6@requests.fyi.org.nz](mailto:fyi-request-16282-68a9e3f6@requests.fyi.org.nz)

Tēnā koe Mr Creser,

Official Information Act Request ref: OIA2122-0100

Thank you for your two emails of the 3rd and 4th of August 2021, in which you requested official information from Archives New Zealand. In your email of 4th August, which you labelled an Official Information Act request, you asked:

I'd like to invite your office to clarify your position by advising the Justice Select Committee which one of the two decisions can be considered trusted government information.

As this is not a request for information held by the Department of Internal Affairs, it cannot be responded to under the Official Information Act. We will respond to you separately concerning this request.

In your email of the 3rd of August, you requested:

The Ministry of Justice has prepared guidelines to assist public and private sector organisations to develop and improve their fraud and corruption policy and procedures. Please advise me of the policy you adopt to ensure that fraudulent records are not kept and maintained by government departments.

A key purpose of the Public Records Act 2005 is for government to be held accountable by “the creation and maintenance of full and accurate records of the affairs of central and local government” (section 3(c)(i)). Archives New Zealand expects that the records that are created and maintained by regulated parties are, therefore, accurate by default.

There is no policy per se to ensure that “fraudulent” records are not created. I am therefore, refusing your request under section 18(e) of the Official Information Act as the document requested does not exist.

Kia pono ai te rua Mahara - Enabling trusted government information

As has been noted in previous correspondence, the fact that the Court of Appeal created two judgements in your 2003 case is not in itself a recordkeeping issue. The records created are evidence of the process that occurred. As has also been noted, I do not have the power to request the Court change its decision or amend the public record.

You have the right under section 28 of the OIA to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint can be found at <https://www.ombudsman.parliament.nz/> or freephone 0800 802 602.

Yours sincerely,

A handwritten signature in black ink, appearing to read "SS Clarke", with a horizontal line underneath.

Stephen Clarke
Chief Archivist Kaipupuri Mātua