



MINISTRY OF
JUSTICE
Tibni o te Ture

RECORDS MANAGEMENT POLICY

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CONTENTS

Document Information	ii
1. Purpose	4
2. Scope	4
3. Policy Principles	5
4. Policy Statements	5
5. Regulatory Framework	6
6. Responsibilities	7
7. Monitoring and Review	8
8. Approval	8
9. Glossary of Terms	9

1. PURPOSE

The purpose of this policy is to assign responsibilities to ensure that the Ministry has a defined and consistent approach to creating full and accurate records of its business activities in accordance with normal, prudent business practice and legislative requirements. Ministry records are managed and maintained for as long as they are required to support business functions and accountabilities until their disposal in accordance with the authorised retention and disposal schedules.

This policy establishes the high level framework to assist the Ministry to achieve the overall business objectives of:

- Ensuring the accessibility of records for good decision making
- Ensuring accountability by creating complete and authoritative records
- Ensuring appropriate access
- Mitigating risk via inappropriate access and illegal disposal
- Supporting legal compliance

2. SCOPE

This policy applies to all staff of the Ministry of Justice, whether permanent or temporary, including contractors and consultants.

This policy applies to all business activities performed by or on behalf of the Ministry, in whatever manner they are conducted. This includes all written correspondence, whether paper or electronic (including social media), and all verbal transactions, including meetings and telephone calls, regardless of the media in which they are captured.

All of the Ministry's policies, practices, systems, and procedures pertaining to recordkeeping are to be consistent with this policy.

3. POLICY PRINCIPLES

- **Governance:** The Ministry's records are strategic information assets critical in the delivery of the services of the Ministry. They will be managed within clear governance structures and a defined Records Management Framework
- **Compliance:** The Ministry can demonstrate it conforms or is progressing towards full compliance with all legal requirements under the Public Records Act 2005 and other relevant legislation
- **Accessibility:** Ministry records will be available to be shared within the Ministry unless they have legal or privacy implications, security classification requirements or there is a substantial business reason not to share
- **Responsibility:** Key records management responsibilities will be allocated to relevant staff and managers across the Ministry
- **Efficiency:** Records management activities will be directed towards ensuring business continuity and efficiency of services and related Ministerial outputs
- **Risk Management:** Resources will be allocated to implementing this policy on a priority basis to ensure the capture and maintenance of records of greatest business value to the Ministry

4. POLICY STATEMENTS

- The Ministry will demonstrate compliance with the Public Records Act by meeting the mandatory requirements under section 27 requiring that public records are authentic, reliable, complete, comprehensive, usable and maintain integrity
- Business records will be managed within a disposal framework. This includes mitigation against inappropriate disposal (including destruction) of records through process or system failure
- The Ministry will develop processes and procedures to ensure that staff are aware of their recordkeeping responsibilities and how to meet them
- Staff will comply with Ministry policies and procedures for creating, disposing and maintaining records
- The Ministry will provide staff with records management best practice training opportunities appropriate to their role
- Business information/content management systems developed to manage records will comply with the Ministry's ICT Services Strategic Plan (ISSP)
- Records management functionality will be included in the requirements of all new business information/content management systems and substantial upgrades of business critical current systems
- The Ministry will monitor compliance with the Public Records Act within a risk management framework

5. REGULATORY FRAMEWORK

Relevant legislation with which this policy complies includes:

- Public Records Act 2005 section 27 (see mandatory standards below)
- Official Information Act 1982
- Privacy Act 1993
- Electronic Transactions Act 2002
- Evidence Act 2006

This policy is also consistent with the following Standards and Codes:

- Mandatory Records Management Standard for the New Zealand Public Sector – Archives New Zealand
- International Standard on Records Management -ISO 15489
- Security in the Government Sector (SIGS)
- New Zealand Information Security Manual (NZISM) – Protective Security Requirements (PSR)
- Code of Conduct for the State Services: Standards of Integrity and Conduct

Related internal references:

- Information Security Policy
- ICT Enterprise Architecture
- ICT Services Strategic Plan (ISSP)
- Information Strategy

6. RESPONSIBILITIES

The **Chief Executive** is responsible for:

- Ensuring compliance with legislative requirements for recordkeeping, including the Public Records Act
- Assigning records management responsibilities and provisioning appropriate resources within the Ministry
- Ensuring that the Ministry's records management policies and procedures will meet best practice guidelines and stand up to external scrutiny

The **Deputy Secretary/Chief Information Officer** is responsible for:

- Leading the provision of integrated information management strategies, systems and processes

Each **Deputy Secretary** is responsible for:

- Approving disposal authority recommendations relevant to their group
- Ensuring that records management practices in their group meet best practice guidelines and can stand up to external scrutiny

The **Deputy Chief Information Officer/Manager ICT Delivery** is responsible for:

- Managing the delivery, maintenance, operation and security of business information/content management systems

Each **Business Unit Manager** is responsible for:

- Ensuring that all new staff receive records management induction
- Ensuring the creation and maintenance of records relating to her or his business unit functions and activities are in accordance with approved Ministry procedures
- Monitoring staff compliance with the Ministry's records management policies and procedures
- Advising the Manager, Information Management Services on incidents of illegal disposal of Ministry records
- Ensuring processes and procedures relating to disposal in her or his control are in accordance with disposal authorities approved by the Chief Archivist

The **Manager, Information Management Services** is responsible for:

- Ensuring the recordkeeping systems meet Archives New Zealand mandatory recordkeeping standards
- Approving access requests and disposal authority approvals with Archives New Zealand in cases where no other appropriate management authority is available
- Ensuring that the Ministry's records management procedures support the aims of this policy
- Ensuring that information about the Ministry's records management policies, systems, and procedures is communicated throughout the Ministry
- Implementing legal disposal of records
- Reviewing proposals to implement new systems and major system upgrades in which records are likely to be stored
- Reporting to the Deputy Secretary/Chief Information Officer, ICT Services on substantive Public Records Act compliance issues including illegal disposal of records
- Development of strategies for promoting and improving recordkeeping compliance
- Regularly reviewing recordkeeping procedures to ensure that they are relevant, useful, and meet the Ministry's needs

All **Staff** are responsible for:

- Complying with the Ministry's records management policies and procedures as approved and communicated to managers and staff

- Creating full and accurate records of business activities, transactions, and decisions that are consistent with prudent business practice
- Capturing business records into the Ministry's recordkeeping/content management systems, and managing records with care as not to alter or compromise their authenticity and integrity
- Complying with all information security policies to help prevent unauthorised access to records
- Ensuring that no business records are destroyed or otherwise disposed of unless permitted by a legal disposal authority

7. MONITORING AND REVIEW

The policy will be monitored and reviewed to ensure that it remains relevant to the Ministry's business aims and requirements. Staff compliance with the policy and associated procedures will be monitored on an ongoing basis through targeted auditing events and general ad hoc monitoring of risk events. The Information Management Services Team will monitor and assess all proposed recordkeeping/content management systems, and policy and procedural documents related to the management of records.

The policy will be reviewed every two years. The review will be conducted by the Manager, Information Management Services/ICT Services.

8. APPROVAL

Authorised by: Deputy Secretary/Chief Information Officer, ICT Services

Date: October 2015

Policy Owner: Manager, Information Management Services/ICT Services

Next Review: October 2017

9. Glossary of Terms

Chief Archivist	The person holding the office of Chief Archivist. The functions of the Chief Archivist are, <i>inter alia</i> , to exercise a leadership role in recordkeeping in public offices and in the management of public archives in New Zealand; and to undertake specific functions and exercise powers in relation to the creation and management of public records and public archives. (PRA s11)
Chief Executive	The Chief Executive of the Ministry of Justice and Secretary for Justice

Disposal	The transfer, sale, alteration, destruction or discharge of a record, including all the processes involved in carrying out that action.
Disposal Authority	A schedule of disposal actions and retention periods related to record classes, authorised by the Chief Archivist.
Medium, media	The format in which the record/activity is captured (electronic, paper).
Normal, prudent business practice	<p>In relation to recordkeeping, creating and maintaining records which:</p> <ul style="list-style-type: none"> • Document the carrying out of the organisation’s objectives, core functions, services and deliverables • Provide evidence of compliance with current regulatory and legislative standards and/or requirements • Document the value of the resources of the organisation and how organisational risks are managed • Support the long-term viability of the organisation <p>(Principle 1: Create and Maintain Records, Records Management Standard for Public Sector– Archives New Zealand)</p>
Public Record	A record created or received by a public office in the conduct of its affairs. All business records of the Ministry are public records. Records are format neutral including business Emails.
Records Management	The assigned responsibility for the efficient and systematic control of the creation, maintenance, use and disposal of Ministry records.
Retention and disposal schedule (RDS)	A schedule of disposal actions and retention periods related to record classes.

<p>1. The Commission is a body of independent members appointed by the Governor-General on the advice of the Prime Minister.</p> <p>2. The Commission's primary function is to monitor and report on the activities of the Police and the New Zealand Security Intelligence Service (NZSIS).</p> <p>3. The Commission is required to report to the House of Representatives on its findings and recommendations.</p> <p>4. The Commission has the power to call for information and documents from the Police and NZSIS.</p> <p>5. The Commission is also required to conduct investigations into any alleged breaches of the Official Information Act (OIA) by the Police or NZSIS.</p> <p>6. The Commission's reports are made available to the public, subject to any necessary redactions for national security reasons.</p> <p>7. The Commission is funded by the Government and is independent of any other government department.</p> <p>8. The Commission is required to maintain the highest standards of integrity and impartiality in its work.</p> <p>9. The Commission is also required to provide advice to the Government on any matters relating to the activities of the Police or NZSIS.</p> <p>10. The Commission is a key component of the Government's commitment to transparency and accountability in the public sector.</p>	<p>1. The Commission is a body of independent members appointed by the Governor-General on the advice of the Prime Minister.</p> <p>2. The Commission's primary function is to monitor and report on the activities of the Police and the New Zealand Security Intelligence Service (NZSIS).</p> <p>3. The Commission is required to report to the House of Representatives on its findings and recommendations.</p> <p>4. The Commission has the power to call for information and documents from the Police and NZSIS.</p> <p>5. The Commission is also required to conduct investigations into any alleged breaches of the Official Information Act (OIA) by the Police or NZSIS.</p> <p>6. The Commission's reports are made available to the public, subject to any necessary redactions for national security reasons.</p> <p>7. The Commission is funded by the Government and is independent of any other government department.</p> <p>8. The Commission is required to maintain the highest standards of integrity and impartiality in its work.</p> <p>9. The Commission is also required to provide advice to the Government on any matters relating to the activities of the Police or NZSIS.</p> <p>10. The Commission is a key component of the Government's commitment to transparency and accountability in the public sector.</p>
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