

From: [Nigel Jones](#)
To: [Recordkeeping Advice](#)
Subject: Public Records Act 2005 Breach Concern
Date: Thursday, 4 December 2014 2:48:09 p.m.

1

Greetings,

I've got concerns over what seems to be a breach of the Public Records Act by either Auckland Transport or the Auckland Transition Agency (which my understanding is, would be both covered by the Local Government provisions).

In October I requested under the Local Government Official Information & Meetings Act (LGOIMA) documents from 2009 relating to a public consultation performed by the former Auckland Regional Transport Authority (ARTA) which was part of the Auckland Regional Council (ARC). My understanding is that ARTA was treated as a Council Controlled Organization (CCO), and all functions were moved to Auckland Transport when the councils merged in 2010.

A full copy of my LGOIMA request is available online at the FYI website (<https://fyi.org.nz/request/2120-release-of-information-from-2009-western-bus-consultation#incoming-7374>), in this request I asked for:

- * Main announcement/information of Consultation Proposal (similar to the quoted text in the CBTF link, but more detailed)
- * Summary and/or Analysis of feedback received
- * Copies of submissions/feedback with appropriate redaction already in place (n.b. if this wasn't made available, then it's okay)
- * Announcement/summary of final decision

These documents were specifically in regards to a public transportation planning consultation focusing on Nor-West Auckland. I know that the first, second and fourth items exist as they used to be available on the ARTA website which either Auckland Transport or the Auckland Transition Agency kept running for a period of time after the merger.

As you can see on the FYI site, on December 3 (yesterday) Auckland Transport rejected my LGOIMA request citing "Auckland Transport has been unable to locate these documents in our archives." and further "contacted Auckland Council Archives who have further confirmed they do not hold this information".

Based on item 14 (pages 5/6) of http://archives.govt.nz/sites/default/files/list_of_protected_records_for_local_authorities_0.pdf (Protected Records for Local Authorities), I observe that "Consultation drafts, and final strategic planning records" which includes submissions and hearing of documents, and 'consultation on policies, strategies and plans' are considered 'protected records' (and based on the Archives website means they cannot be destroyed without permission).

Considering that public transport planning is a strategic function of the former Auckland Regional Transport Authority and the current Auckland Transport, I feel I have the right to expect that these documents should be protected, and that AT's rejection of my request is a sign that they have been somehow lost/destroyed in both physical and digital formats.

I should note that I do currently have a complaint open with the Office of the Ombudsman with regards to this LGOIMA request (originally in regards to the extension that AT sought, but now per agreement with a representative of the Ombudsman, focusing on their rejection reason and other not-directly related issues I have raised. But after a telephone call today with the Ombudsman's office it seems that a complaint under the Public Records Act is potentially more appropriate as there is the suggestion that the records are now missing or potentially destroyed.

I observe that there isn't a particular place where a member of the general public can make a complaint, so I am hoping that this contact address is the most appropriate to bring it to your attention.

If any more details are required, please let me know.

Regards,

Nigel Jones

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-----Original Message-----

From: Polly Martin

Sent: Tuesday, 9 December 2014 11:52 a.m.

To: s 9(2)(a)

Subject: FW: Public Records Act 2005 Breach Concern

Kia Ora Nigel

Thank you for your message of concern.

This request has been allocated and will need some time to explore the points you have raised.

We should be able to come back to you in the New Year with our response.

Nga mihi

POLLY MARTIN

Manager

Advice & Compliance

Client Capability Directorate

Archives New Zealand

Te Rua Mahara o te Kawanatanga

The Department of Internal Affairs Te Tari Taiwhenua

DDI: 04 894 6067 ext 9267

F: 04 495 6210

T: 04 499 5595

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From: [Polly Martin](#)
To: [Kylie Welch](#)
Subject: FW: Public Records Act 2005 Breach Concern
Date: Tuesday, 9 December 2014 12:04:56 p.m.

Could I please allocate this to you.

Whilst I'm sure you already have an approach given the previous two investigations for which you have been responsible can I suggest the following:

1. Take some time to work out whether the concerns seem to be valid. If not - put together a communication informing this person that no further investigation will take place.
2. If so put together a communication informing the person that further investigation is required.
3. You will need to inform the agency concerned that we have received a complaint and will be investigating.
4. Work out the questions that need to be answered and investigate
5. Call a team meeting to work through the issues and for the team to provide feedback
6. Collate and report findings and recommendations to present to Manager/Director
7. Letter to the Chief Archivist

Bex is happy to provide support if needed.

Nga mihi

Polly

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INTERNAL AFFAIRS

Te Tari Taiwhenua

Archives New Zealand, 10 Mulgrave Street, Wellington
Phone +64 4 499 5595
Fax +64 4 495 6210

Website www.dia.govt.nz www.archives.govt.nz

19 December 2014

Dr David Warburton
Auckland Transport Authority
Private Bag 92250
Auckland 1142

Dear Dr Warburton,

Notification of Complaint

This letter is to inform you that Archives New Zealand has received correspondence from Mr Nigel Jones with regards to 2009 documents relating to the public consultation performed by the former Auckland Regional Transport Authority (ARTA) which was part of the Auckland Regional Council (CCO) regarding the North-West Auckland Western bus route consultation. The Department of Internal Affairs takes all complaints made under the Public Records Act 2005 (the Act) seriously and we are committed to responding to them in a timely manner.

1. Details of complaint

Mr Jones' specific complaint is that the following documents were no longer available as per his LGOIMA request (Auckland Transport reference CAS-419803-B8C5M6 dated 22 October 2014):

1. Main announcement information of consultation proposal
2. Summary and/or Analysis of Feedback received
3. Copies of Submissions/feedback
4. Copies of Submissions/feedback with appropriate redaction already in place
5. Announcement/summary of final decision

2. Response process

We have agreed to look further into the matter. We may be seeking further information from Auckland Transport to assist in this matter.

Yours sincerely,

Kylie Welch
Archives Advisor
Archives New Zealand

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Nigel Jones – Auckland Transport/the Auckland Transport Agency Investigation Notes

| | | | |
|------------------------------|--|--------------------------|----------------------------|
| Date Received | 4 December 2014 | Date Acknowledged | 5 December by Polly Martin |
| Assigned to | Kylie Welch, Advisor, A & C Team | | |
| Complainant | Nigel Jones | | |
| Organisation Involved | Auckland Transport/The Auckland Transport Agency | | |
| Topic | Public Records Act 2005 Breach Concern | | |

| Notes | |
|------------------------|--|
| Who? | Auckland Transport (or The Auckland Transport Agency) |
| ACT | LGOIMA (Local Government Official Information & Meetings Act) |
| What: | 2009 Documents relating to the public consultation performed by the former Auckland Regional Transport Authority (ARTA) which was part of the Auckland Regional Council (CCO) and all functions were moved to Auckland Transport during 2010 merge |
| OIA | <ol style="list-style-type: none"> 1. Main announcement info of consultation proposal 2. Summary and/or Analysis of Feedback received 3. Copies of Submissions/Feedback 4. Copies of Submissions/Feedback with appropriate redaction already in place 5. Announcement/Summary of final decision |
| Focus: | North-West Auckland Western bus route consultation |
| LGOIMA Response | "Auckland transport has been unable to locate these documents in our archives. We have also contacted Auckland Council Archives who have further confirmed they do not hold this information. We therefore decline your request in accordance with section 17(e) of the LGOIMA in that the documents requested cannot be found. |
| LGOIMA 17(e) | That the document alleged to contain the information requested does not exist or cannot be found. |
| Resources | <ol style="list-style-type: none"> 1. List of Protected Records 2. Explanatory Notes 3. ALGIM Schedule 4. LGOIMA 5. New Zealand Web Archive |

Notes on documents within OIA

| | |
|------------|---|
| OIA | <ol style="list-style-type: none"> 1. Main announcement info of consultation proposal <i>Not protected – Comes under Communications ALGIM T2 Z4.2.2</i> 2. Summary and/or Analysis of Feedback received <i>Yes – this is a protected record. Need to find out whether this could possibly be found. If not, may need to investigate</i> 3. Copies of Submissions/Feedback <i>More clarification is required from Nigel - what does he mean by copies?</i> 4. Copies of Submissions/Feedback with appropriate redaction already in place <i>More clarification is required from Nigel - what does he mean by copies?</i> 5. Announcement/Summary of final decision <i>This depends on how it was announced. ALGIM Schedule T2 - Z23.3.7 mentions that this may be able to be destroyed.</i> |
|------------|---|

| | | | | | | |
|--|----------------------|--|---------|---------------------|--|--|
| | 223.3.7 Notification | Records of notification process, including: - advertisements - public notices - other records of the notification of affected parties | Destroy | When plan published | When no longer administratively required | |
|--|----------------------|--|---------|---------------------|--|--|

Next Actions:

1. Email Auckland Transport to advise that we have received a complaint (and will be investigating).
2. Email Nigel Jones requesting further clarification regarding 'copies of submissions feedback'. Nigel to advise what he means by copies.
3. Draft reply once Nigel has clarified what he means by copies.

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From: [Kylie Welch](#)
To: s 9(2)(a)
Bcc: [Anna Monson](#)
Subject: Auckland Transport
Date: Monday, 22 December 2014 3:28:00 p.m.
Attachments: [image001.png](#)

Dear Mr Jones,

While assessing your concerns regarding your email sent on 4 December 2014 can you please clarify what you mean by 'Copies of submissions feedback' and 'Copies of submissions/feedback with appropriate redaction already in place'. Do you mean original version/authoritative versions of records, or do you mean 'duplicates'? The 'main announcement/information of Consultation Proposal' and the 'Announcement/Summary of final decision' are considered Protected Records under Item 14: Consultation drafts and final strategic planning records within the [List of Protected Records for Local Authorities](#) but copies of records; as you have requested; are considered transitory under [General Disposal Authority 7](#) (1.4).

We are assessing whether we will look further into how the main announcement/information of the Consultation Proposal and the Announcement/Summary of final decision documents but would like further clarification on the copies you are requesting.

Regards

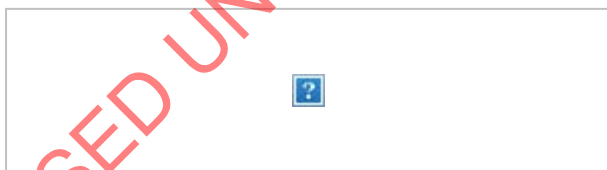
Kylie Welch | Archives NZ Advisor | Advice and Compliance Team

Archives New Zealand Te Rua Mahara o te Kawanatanga

Direct Dial: +64 4 894 6055 | Extn: 9255

10 Mulgrave Street | PO Box 12-050, Wellington 6011, New Zealand

www.archives.govt.nz | www.thecommunityarchive.org.nz



Compliance Action Process - Triage

Introduction

The Chief Archivist's role under the Public Records Act 2005 (PRA) is to provide recordkeeping advice and guidelines, and to monitor and report on compliance by public offices. When people complain to the Chief Archivist about recordkeeping compliance, it is important to note there are limits to this role. For e.g.:

- The Chief Archivist can only consider complaints relating to public offices and public records.
- The Chief Archivist cannot direct a public office to act on any guidance or audit findings, nor is it appropriate for the Chief Archivist to take on the role or function as a court if a public office is found to be non-compliant.

Also:

- The Chief Archivist cannot investigate
- The Chief Archivist is not required under the PRA to respond to complaints it is a discretionary activity
- The Chief Archivist is not a court and looking for a breach should not become the focus.

There may also be cases where the Chief Archivist is not the best or the most suitable authority to consider a complaint, for e.g. complaints about access to official or personal information should be directed to the Office of the Ombudsmen or the Privacy Commissioner.

However, issues may be raised either by others e.g. complaint or whistle-blower, or by ourselves as a result of information received from an agency, audit findings, media reports or our own intelligence gathering e.g. recordkeeping survey which may prompt the CA to undertake a review of some aspect of recordkeeping.

Assessment of compliance action required

So when an issue is raised first need to decide if we take any action or not:

- Is it an issue that falls under the PRA but also under another authority? Eg police, Ombudsman, Privacy Commission – Yes – No action
- Is it an issue that falls under the PRA only? i.e. Is it about current/recent recordkeeping practice/actions carried out by a public office? – Yes – Action

Explanation: we can only act in cases of public offices and public records. No point looking into past recordkeeping practices which may no longer occur. We can look into matters concerning the creation, maintenance and disposal of public records. However, we cannot dictate what is "normal prudent business practice" for a public office and so creation is hard to review or enforce.

Next we need to assess how serious are the issues and how much work is involved? Criteria:

- The issue concerns a vital part of the PRA
- How widespread is the issue – how many public offices are involved
- Who are the public offices involved
- How long has it been going on
- Likelihood of it happening again or elsewhere, could we nip it in the bud by fast action?
- Impact of issue on the public archives
- Impact of issue on public being able to hold Government accountable
- Impact of issue on public confidence in the integrity of public records
- Impact of issue on public archives or future public archives
- Potential damage to the standing of the PRA/CA in performing role.
- How wide will the impact of any recommendations be – is it a known system issue for which a system-wide response is required, planned or underway? E.g. is a review of the RMS the place to address the problem?
- How much resource will it take to review and redress the issue, and is this an optimal use of resources given our various system roles.

Level of response

No action

The decision is made not to take action, the reasons documented and communicated as appropriate.

Minor response

Issue is straight-forward involving one public office

Issue given to a CCD Senior Advisor to deal with one-to-one with discussions with the parties concerned

Request for clarification of an issue or assurance of practice addressed to the public office concerned. Acknowledgement we are satisfied by response.

An example of a minor response is a single-instance of accidental destruction of public records.

Medium response

More complex issue requiring more detailed analysis, usually relates to one public office with limited impact outside the parties concerned

Responsibility given to CCD Manager and/or Senior Advisor

Direction to Report and/or Notification of Inspection may be used

Review remains internal, with internal report

A medium response will not normally result in a published report and will aim to be completed within 3 months.

Major response

Complex or systemic issue that requires in-depth work, usually with more than one public office involved. Potentially wider impact than just the parties concerned.

Establishment of a separate review team spending the larger portion of their time solely on the review. Governance and project methodology employed

Direction to Report and/or Notification of Inspection used and may include formal interviews with the parties concerned

Review publically announced and final report published

A major response will aim to be completed within 6 months to 1 year.

An example of a major response is multiple-instances of deliberate destruction of public records.

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Compliance Action process & resources

| Step | Process | Timeframe | Resources |
|------|---|-----------------|--|
| 1 | Trigger of potential compliance action | 5 working days | |
| | 1a Potential compliance action triggered by: <ul style="list-style-type: none"> External communication, or Our own gleaning of information from media, our operations or other sources. | | Acknowledgement of receipt |
| | 1b Decision is made to assess issue as potential compliance action by: <ul style="list-style-type: none"> Manager Advice and Compliance CA CCD Instruction issued to relevant staff member/investigating officer | | |
| | 1c Potential compliance action registered by investigating officer and file created in Objective: Legislation/Public Records Act/Assessment of potential compliance actions External communication or trigger and instruction filed | | Register of Compliance Actions – Public Records Act 2005 (A805075) |
| 2 | Compliance action is scoped and assessed | 30 working days | |
| | 2a Initial internal response team is setup [need notes on who composed of] | | |
| | 2b Initial scoping is undertaken to assess – who, what, when, how | | Initial scoping questions (A819984) |
| | 2c Relevant background information is gathered from external publically accessible and internal sources | | Issue Register Template; Evidence Register |
| | 2d Further information may be needed to fully scope the issue and this may be sought from the complainant | | Complaint initial acknowledgement template (A819978) |

| | | | | |
|---|------------------------------|---|--|---|
| | 2e | Triage assessment of issue to consider: <ul style="list-style-type: none"> • whether compliance action required or not • how serious the issues are • how much work would be involved in any action • risks and opportunities of action • level of response – none, minor, medium or major | | Initial Triage (A819979) |
| | 2f | Initial Assessment and Recommendation to the Chief Archivist is drafted and finalised (Minister's Office/CEO/DCE, legal and communications are advised and consulted as required) | | Initial assessment of complaint and recommendation template (A819988) |
| | 2g | If a recordkeeping review recommended Terms of Reference (TOR) including a clear scope is drafted for agreement of the Chief Archivist | | Terms of Reference for Response Template (A819990) |
| | 2h | Chief Archivist signs off decision | | |
| | 2i | Communications Plan for launch of response is drafted if required [need notes on when required] | | Communications Plan template (A819997) |
| | 2j | Chief Archivist's response is communicated to complainant | | Complaint response advice template (A819991) |
| 3 | Response is initiated | | | |
| | 3a | Response Team is officially set up [need notes on who composed of] and recordkeeping system set up | | |

| Step | Process | Timeframe | Resources |
|------|---------|---|---|
| | 3b | Governance Group is established if required | Terms of Reference Governance Group template |
| | 3c | Independent Quality Assurance is set up if required | TBA |
| | 3d | Response Plan is drafted | Response Plan Template (A819995); Action Plan & Timeframes template (A819989) |

| | | | | |
|---|----|---|---|---|
| | 3e | Direction to Report/Notice of Inspection are drafted | | Direction to Report/Notice of Inspection template (A819996) |
| | 3f | Communications Plan for review is drafted | | Communications Plan template (A819997) |
| | 3g | TOR published for a major response | | |
| 4 | | Response is planned and preliminary internal view | Minor = 3 months Major = 6-12 months | |
| | 4a | Communications Plan is updated and finalised if required | | |
| | 4b | Response Plan is finalised with action plan and timeframe | | |
| | 4c | Direction to Report/Notice of Inspection finalised and communicated | | |
| | 4d | Analysis criteria, questions and issues are drafted | | Issue Register Template |
| | 4e | Possible response scenarios and recommendations worked through | | |
| | 4f | Preliminary internal view of the issues, established and final report structure drafted | | Report structure and supporting notes |
| 5 | | Information is received, gathered and analysed | | |
| | 5a | Evidence/information is registered | | Evidence Register template |
| | 5b | Information is examined and reviewed against criteria | | Evidence and Analysis Workbook template |
| | 5c | Gaps and further issues are documented | | |

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| Step | Process | Timeframe | Resources |
|------|---|-----------|---|
| | 5d Further clarification and consultation is undertaken as required via Directions/Inspections or face-to-face meetings | | Direction to Report/Notice of Inspection template |
| | 5e Repeat steps 5a – 5d as required | | |
| 6 | Report and recommendations are finalised | | |
| | 6a Final report is drafted based on the findings of the analysis, response scenarios, and feedback from consultation | | Report structure and supporting notes |
| | 6b Internal/external QA of response process and final report | | TBA |
| | 6c Draft Final Report and Recommendations to Chief Archivist for agreement to issue to parties for comment | | TBA |
| | 6d Parties involved given opportunity to comment on the Report | | |
| | 6e Communications Plan is updated if required | | Communications Plan template |
| | 6f Report and Recommendations are finalised, agreed and the outcome communicated to relevant stakeholders and to complainant (Minister's Office/CEO/DCE, legal and communications are advised and consulted as required) | | Complaint response advice template |
| 7 | Follow up work and post-mortem | | |
| | 7a Further work or activities will be separately scoped and planned | | |
| | 7b Response process and procedures are updated and/or created if required | | Complaint process & resources |

Initial assessment of compliance action and recommendation to Chief Archivist

1. The Issue

Background

On 4 December 2014 a complaint was received from Nigel Jones regarding the fact that records he had requested under the Local Government Official Information and Meeting Act regarding records of the 2009 Public Consultation process about changes to some of the North-West bus routes could not be located by either Auckland Transport or the Auckland Council Archives.

While Mr Jones' initial complaint was received in early December the initial response from Archives was a request for clarification regarding some aspects of the request. Clarification was received promptly but as this clarification was received directly by a staff member who left Archives New Zealand shortly afterwards it was not realised that the clarification had been received and the enquiry was left unaddressed until Mr Jones queried the status of his request on 17 April.

2. Assessment

Chief Archivist's jurisdiction

The Chief Archivist can use direction to report and inspection powers in relation to public offices and public records and archives.

Initial findings

Mr Jones' enquiry included his correspondence with the local authorities. Records of Policy, Planning or Strategy involving a process of public consultation constitute Protected Records under section 14 of the *List of protected records for local authorities* and an identical provision existed in section 14 of the preceding *Local Government Schedule*.

From the evidence presented it appears very possible that Auckland Transport (a Council Controlled Organisation) appears to have acted contrary to its obligations under the Public Records Act (PRA) as consent of the Chief Archivist is required before any Protected Records can be disposed of (section 40, PRA). No evidence of any previous consent to the disposal of these records could be found.

It is felt appropriate that the Chief Archivist request further information from Auckland Transport so that the extent of the issue can be established and so that Archives New Zealand can give appropriate advice and direction on proper practice and the PRA obligations on Local Authorities and Council Controlled Organisations.

3. Risks

It is unlikely that the records being sought will be found. By the nature of the request it is likely that Auckland Transport may consider itself being wronged and burdened by an issue that Mr Jones himself notes has become mostly a moot point due to the passage of time.

4. Benefits

If it is the case that a Council Controlled Organisation has acted incorrectly the Chief Archivist can demonstrate leadership and raise awareness of the PRA obligations to the council staff as well as the many Council Controlled Organisations.

5. Recommendation

That the Chief Archivist sign the enclosed letter requesting further information from Auckland Transport so that we can establish whether there has been a breach of their PRA obligations as well as the extent and potential remedies should an issue be identified.

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| Papers prepared for Chief Archivist sign-off | | | | |
|--|--|-------------|--|------------|
| Title: | Direction to report regarding loss/disposal of Auckland Transport records regarding 2009 North-West bus route consultations. | | | |
| Doc Type: | Letter for Signing | | | |
| Prepared by: | Jonathan Newport, Archivist/Advisor, Advice & Compliance | | | |
| Peer reviewer: | Polly Martin, Manager Advice & Compliance | | | |
| Objective: | A832460 | DMS: | | IA: |
| Due date: | | | | |
| Manager sign-off | | | | |
| Date: | | | | |
| Signature: | | | | |
| Senior Manager sign-off | | | | |
| Date: | | | | |
| Signature: | | | | |
| Comments. | | | | |
| <p>Please find attached a direction to report to be bent to Dr David Warburton Chief Executive of Auckland Transport (a Council Controlled Organisation). Please also find enclosed an Initial assessment and proposed approach regarding the matter in question.</p> <p>On 4 December 2014 a request was received from Nigel Jones outlining his concerns that records of the Public Consultations conducted by Auckland Transport about changes to some of the North-West bus routes were unavailable. Under section 14 of the <i>List of Protected Records</i> four of the five record types Mr Jones seeks should be considered as Protected records and should have been retained until the permission of the Chief Archivist had been obtained.</p> <p>No evidence could be found that permission to dispose these records had been sought or granted.</p> <p>As it appears that Auckland Transport may have acted counter to its Public Records Act obligations it is appropriate that a report be sought on the matters Mr Jones has raised.</p> | | | | |

If you agree with these recommendations it is recommended that you sign:

- The enclosed letter addressed to the CEO of Auckland Transport

Chief Archivist sign-off

Approved Yes No **Date:**

Signature:

Marilyn Little
Chief Archivist, Archives New Zealand

Comments

Return to: **Jonathan Newport**

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22 April 2015

Dr David Warburton
Chief Executive
Auckland Transport
Private Bag 92250
Auckland 1142
Wellington 6145

Dear Dr Warburton

On 19 December 2014 a letter was sent notifying your office that Archives New Zealand has received a complaint under the Public Records Act 2005 (PRA) from Mr Nigel Jones regarding the unavailability of the records containing the information sought in his request of 22 October 2014 (your reference CAS-419803-B8C5M6).

Archives New Zealand takes all complaints made under the Public Records Act 2005 seriously and we are committed to responding to them in a timely manner. Due to unexpected circumstances our response to this request has not been timely however we are now in a position to give proper consideration to the concerns raised by Mr Jones.

In the original request of 22 October 2014 Mr Jones sought the following information regarding proposed changes to the North-West Auckland Western bus route consultation instigated in 2009

1. Main announcement information of consultation proposal
2. Summary and/or Analysis of Feedback received
3. Copies of Submissions/feedback
4. Copies of Submissions/feedback with appropriate redaction already in place
5. Announcement/summary of final decision

(Please note Mr Jones is aware that requests 3 and 4 are effectively duplicates – his intention was to allow a measure of flexibility as to how the requested information was delivered)

On the basis of the response Mr Jones received dated 3 December 2014 from Andrea McKenzie it appears that the information sought could not be located. If these records do not exist it would appear that Auckland Transport has fallen short of the requirements set out in the *List of Protected Records for Local Authorities* which was issued 2 September 2013 or in contravention of the *Local Government Schedule* which was the predecessor to the *List of Protected Records* depending on the date when the information being sought became lost or irretrievable.

or strategy involving a public consultation process (section 14 in both the *List* and the *Schedule*). On this basis records of the types indicated in requests 2, 3, 4 and 5 should be considered as Protected Records.

I therefore request that Auckland Transport investigate the following questions and report your findings to me.

- The extent of the search originally undertaken in response to the original request of 22 October 2014. It is indicated that the archives of Auckland Transport and the Auckland Council were searched. It is not clear whether the search extended any further, or if there would be any merit to a further search.
- Whether Auckland Transport staff are briefed and trained around the obligation to ensure that records of the types set out in the *List of Protected Records for Local Authorities* or the *Local Government Schedule* are not disposed of without the consent of the Chief Archivist.
- What was the cause of the loss of the records sought, and (if possible) the date or timeframe in which the records were lost.
- If the cause of the loss of records is identified as being due to inadequate or absent policy around the retention of records of this nature, what actions Auckland Transport proposes to take or has since taken in order to ensure that Protected Records are retained and accessible.

Archives New Zealand is committed to helping Public Offices and Local Authorities meet their responsibilities under the PRA. By establishing the extent of the apparent issue and the measures implemented since then Archives New Zealand will be able to offer detailed advice and assistance should a need for such be identified.

A response to the questions raised above would be appreciated by Thursday 14 May 2015. If additional time is required or if you have any further questions about this request please contact Antony Moss, Director Client Capability (Antony.Moss@dia.govt.nz; 04 496 1392), in the first instance.

Yours sincerely



Marilyn Little
Chief Archivist

From: [Jonathan Newport](#)
To: s 9(2)(a)
Subject: Archives New Zealand - complaint under the PRA
Date: Wednesday, 29 April 2015 11:32:17 a.m.

29/04/2015

Dear Nigel

Thank you for your request for an update on your complaint about Auckland Transport's handling of records documenting the notifications and public consultations around the 2009 'Western Bus Consultation'.

After considering your request the Chief Archivist has requested a report from Auckland Transport regarding the matters raised in your complaint as we share your concerns that Protected Records may have been disposed of without the authorisation of the Chief Archivist. Once the report is received Archives New Zealand should be able to determine an appropriate response.

I would note that unless Auckland Transport is determined to have deliberately disposed of records in knowing breach of its Public Records Act obligations any actions taken by Archives New Zealand are likely to be remedial in nature.

We will keep you advised of further developments.

Yours sincerely

Jonathan Newport
Archivist/Advisor

Archives New Zealand Te Rua te Mahara o te Kawanatanga
The Department of Internal Affairs Te Tari Taiwhenua
Direct Dial: +64 4 931 6981 Extn: 9283
10 Mulgrave Street
PO Box 12 050
Wellington 6144, New Zealand
www.archives.govt.nz

From: [Antony Moss](#)
To: [Polly Martin](#); [Jonathan Newport](#); [Raewyn Vogel](#)
Subject: Auckland Transport / Nigel Jones issue
Date: Wednesday, 13 May 2015 1:47:36 p.m.

Not sure if we had this on a bring up.

Had a call from Gerrard at AT records. He ran through their answers to the questions in the requirement to report letter and said that their response, which is due tomorrow, was nearly done and should get through internal sign off within a couple of weeks. I said that was OK, and have noted the spreadsheet.

Direct dial 04 496 1392 - Extn 9392 - Mobile: 027 476 0361

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Processes for managing recordkeeping complaints about public offices

| | |
|------------------|--------------------------------------|
| Date approved | <e.g. 12 January 2013> |
| Review date | <e.g. 12 January 2013> |
| Policy owner | Government Recordkeeping Directorate |
| Objective number | A850463 |

1. Background

The Advice & Compliance team within Archives New Zealand receives ad hoc complaints from individuals about alleged breaches by a public office of the Public Records Act 2005. Archives New Zealand is expected to consider each alleged breach and provide appropriate advice or assistance.

(Also see Policy on Investigations into Offences against the Public Records Act 2005 (Objective reference: A843783))

2. Scope

The following tasks are included as part of the scope.

| Task | Timeframe |
|---|---|
| Receipt of a complaint | |
| Registering a complaint | Within 2 working days |
| Acknowledging a complaint | Within 5 working days |
| Assessing a complaint/ Prioritising a complaint/ Dismissing a complaint/ Allocating a complaint | Within 30 working days |
| Investigating a complaint | Minor issue 3 months, major issue 6-12 months |
| Closing a complaint | Minor issue 3 months, major issue 6-12 months |

3. Complaints

Complaints may be received in these formats:

- letters
- emails
- telephone (Recipient of the phone call will record details of complaint for records management purposes)

3.1 Registering a complaint

The Manager, Advice & Compliance will register (or will delegate this task to a Senior Advisor/Advisor) the complaint within 1 working day of receipt in the Complaints and Investigations Register (A805075 on Objective) with the following information.

- Name of the source of the information
- Date that the information was received
- Details of the public office or local authority to which the complaint relates
- Name of person complaint referred to and date
- Details of the request for intervention

A letter of acknowledgement will be completed by an Advisor and signed off by the Manager, Advice & Compliance.

3.2 Early assessment

The Manager, Audit & Compliance or delegated staff member will decide if it is appropriate to progress a complaint within 30 working days.

An assessment will consist of:

- Reading the correspondence received
- Checking if there are breaches relating to creating, accessing, disposing or transferring of public records under the Public Records Act 2005
- Checking if this is a first time or subsequent breach
- Checking the organisation is a public office or the records are public or local authority records
- Checking the age of the complaint is not so advanced it will hinder effective evidence gathering e.g. more than five years old
- Assessing the risks for severity or urgency if the complaint is not progressed to either the records/complainant/public office or public sector

3.3 Deciding on priority/urgency levels

If the complaint meets the criteria listed in 3.2 the complaint will need to be assessed for the level of urgency and priority.

Non urgent/low priority

A complaint **may** be identified as non-urgent/low priority if any of the following apply:

- A delay in responding will have minimal impact on the public office's ability to manage all other public records effectively
- It is a first time occurrence
- Records of low value were allegedly lost/destroyed
- The provision of advice will be all that is required to bring the public office up to the required standard of recordkeeping
- The complainant has complained to other "watchdogs" e.g. The Office of the Ombudsman, The Privacy Commissioner and not received any assistance and we are their last resort

High urgency/high priority

A complaint **may** be identified as urgent if any of the following apply:

- The complaint requires substantial effort to bring the public office to the required recordkeeping standards i.e. meetings, monitoring, and support
- the complainant will be financially or socially (e.g.employment, accommodation, health) disadvantaged
- the public office's record keeping ability or systems will be compromised
- the reputations or relationships of the Chief Archivist, Archives New Zealand and our stakeholders are at risk
- significant personal or sensitive issues are involved, for example, politically sensitive or personal reputation
- the details of the complaint or issues relevant to the complaint are or will be reported to the media or to our Minister
- the complaint involves a high profile figure or issue
- the complaint is complex and is likely to be resource intensive
- the complainant is behaving unreasonably
- the public office have had a legitimate complaint against them prior to this complaint
- the public office have demonstrated consistently poor record keeping practices

Scenarios

The following will also help with ranking the complaints.

| | Impact of breach | Possible Responses |
|---|--|--|
| A | <p>Minimal Impact (Non-systemic)</p> <ul style="list-style-type: none"> The public office has comprehensive policies and procedures in place designed to ensure its corporate compliance with the Public Records Act. The policies and procedures are widely understood and complied with across the public office. The Chief Archivist becomes aware of a one-off case of a new employee in customer service who decided to dispose of a number of relatively low value public records in order to free up additional storage space for records that need to be kept 'in play'. The public office has acknowledged the error and has agreed to put in place measures to ensure that all new staff members are familiar with recordkeeping requirements | <p>The Chief Archivist offers advice to the administrative head of the public office to help bring the office up to the required standard of recordkeeping.</p> |
| | | <p>The Manager, Disposal and Acquisitions directs the Portfolio Holder with responsibility for the affected public office within that team to liaise with the public office to determine whether any advice or assistance is required.</p> |
| B | <p>Medium Impact</p> <ul style="list-style-type: none"> The public office has sound policies and procedures in place designed to ensure its corporate compliance with the Public Records Act, but these policies and procedures are not widely understood by all staff (including recordkeeping staff). The Chief Archivist becomes aware of a incidents where public records have been destroyed by staff without approval. The public office acknowledges the error and agrees to put in place measures to ensure that all staff members are familiar with recordkeeping requirements. | <p>Audit findings reported to the Director, Government Recordkeeping.</p> |
| | | <p>The Chief Archivist issues a section 31 directive to the administrative head of the public body to report to him/her on proposed measures to address the identified issues.</p> |
| | | <p>The Chief Archivist offers assistance to the administrative head to enable the public office to bring themselves up to the required standards</p> |
| | | <p>Consider commissioning a follow up section 33 audit of the public office within 6 years to determine whether</p> |

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| | Impact of breach | Possible Responses |
|---|--|--|
| | | the remedial measures have been implemented effectively and the office is compliant |
| C | <p>Significant (systematic) breach</p> <ul style="list-style-type: none"> - The public office has minimal policies and procedures in place designed to ensure its corporate compliance with the Public Records Act. These policies and procedures are not widely understood by staff and there is no evidence that any attempt has been made by management to communicate recordkeeping requirements to staff. - An investigation reveals a significant number of cases over the past 5 years where some public records of long term value have been damaged as a result of poor storage conditions while other records have been destroyed without approval. | <p>Chief Archivist directs the Government Recordkeeping directorate to review and assist the Public office in order to identify and remedy the recordkeeping deficiencies in place.</p> <p>Chief Archivist directs the Director, Government Recordkeeping to develop a plan of engagement in order to assist the public office in meeting its obligations.</p> <p>The Chief Archivist issues a section 31 directive to the administrative head of the public body to report to him/her on proposed measures to address the identified issues.</p> <p>Include specific details of the audit findings in the section 32 and 35 reports to the Minister Responsible for Archives</p> <p>Schedule a follow up section 33 audit of the public office within 6 years with a specific brief to determine whether the remedial measures have been implemented effectively and the office has remedied the issues identified earlier.</p> <p>Findings reported to Chief Archivist</p> |

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| | Impact of breach | Possible Responses |
|---|--|---|
| D | <p>Major (systematic) breach</p> <ul style="list-style-type: none"> – There are minimal or no recordkeeping policies or procedures in place within the public office. Previous indications from the public office (via the PRA audit process and general correspondence with the office indicated that there were policies and procedures in place and that the public office was aware of its obligations under the Act. – There is prima facie evidence of knowing breaches of the requirements of the Act and of the compulsory standards over a sustained period of time. – There is no evidence of any remedial action underway to improve the quality of recordkeeping or a commitment to do so. Despite the issuance of direction from the Chief Archivist. | <p>Crown Law Office legal advice obtained on the audit findings</p> <hr/> <p>Independent Auditor briefed to obtain any additional information necessary to determine the way forward.</p> <hr/> <p>Chief Archivist briefs with the State Services Commissioner and Controller and Auditor-General on preliminary audit findings</p> <hr/> <p>Crown Law Office and New Zealand Police requested to initiate prosecution action (within 6 months of the first audit)</p> <hr/> <p>Include specific details of the audit findings in the section 32 and 35 reports to the Minister Responsible for Archives</p> <hr/> <p>Schedule a follow up section 33 audit of the public office within 6 years with a specific brief to determine whether the remedial measures have been implemented effectively and the office has remedied the issues identified earlier.</p> <hr/> |
| | | |

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If a complaint does not meet the above criteria, a letter will be sent to the complainant informing them that there will not be any further action taken and why. (See also template letters in Objective in folder A850463)

4 Allocation

The Manager of Advice & Compliance will allocate a complaint to a Senior Advisor/Advisor with:

- The complaint handling approach
- Information about the resources needed to manage the investigation
- A deadline for completion

5 Processing a non-urgent/low priority complaint

Upon receipt of the complaint from the Manager, Advice & Compliance, the Senior Advisor/Advisor will:

- Save each complaint and related correspondence into a separate file within the 'Compliance Actions folder in objective (Objective reference: fA28885)
- Draft letters to the public office/complainant on behalf of the Chief Archivist informing them that their
- Obtain context through gathering historical/background information about the organisation:
 - i) Complaints and Investigations Register under the Strategic Management/Legislation/Public Records Act/Compliance Actions folders (Objective reference: fA28885)

Recordkeeping advice register under the Recordkeeping folder in Objective (Objective reference: A805302)
 - ii) Audit reports in the Client folder on Objective (Objective reference: fA10430)
 - iii) Portfolio Management Workflow Spreadsheets under the Appraisal and Disposal folder in Objective (Objective reference: qA85737)
 - iv) The complainant/public office if necessary
- Draft recommendations for the public office regarding advice or action needed/resources and obtain sign off by Manager, Advice and Compliance

5 1 Processing a high urgency/high priority complaint

Upon receipt of the complaint from the Manager, Advice & Compliance, the Senior Advisor/Advisor will:

- Save each complaint into a separate file within the 'Compliance Actions folder in objective (Objective reference: fA28885)

- Draft letters to the public office/complainant on behalf of the Chief Archivist regarding the breach and informing them that an investigation will take place
- Obtain context through gathering historical/background information about the organisation:
 - i) Complaints and Investigations Register under the Strategic Management/Legislation/Public Records Act/Compliance Actions folders (Objective reference: fA28885)

Recordkeeping advice register under the Recordkeeping folder in Objective (Objective reference: A805302)
 - ii) Audit reports in the Client folder on Objective (Objective reference: fA10430)
 - iii) Portfolio Management Workflow Spreadsheets under the Appraisal and Disposal folder in Objective (Objective reference: qA85737)
 - iv) The complainant/public office if necessary
- Draft a Direction to report letter and obtain sign off from Chief Archivist if required
- Follow up with an audit/visit within the agreed timeframe if required

NB A Direction to report letter will ask the public office specifically about their recordkeeping activities relating to the complaint and ask for an explanation within a set timeframe.

The Senior Advisor/Advisor will also:

- Keep the Manager, Advice & Compliance up to date on progress and will update the files about this complaint on Objective in the Compliance Action folder accordingly
- Keep the Manager, Advice & Compliance up to date on any changes that will affect the weighting/priority/urgency/risk levels and will amend the register accordingly and the Complaints folder on Objective.

6 Closure of a complaint

The Senior Advisor/Advisor, Advice & Compliance will close the complaint within 5 working days of completion on the Complaints and Investigations Register (A805075 on Objective) with the following information.

- Objective reference number(s) to file note and/or other documents created during the investigation
- Action taken/outcome
- Date closed

Please use the following **Template letters** to correspond with the complainant and the organisation. (Objective folder fA42281)

- Acknowledgement letter
- Non investigation letter (for non breaches)
- Breach found letter to complainant
- Breach found letter to organisation
- Breach found complainant more information letter
- Breach found organisation more information letter
- Direction to report letter
- Closure complainant letter
- Closure complainant letter

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-----Original Message-----

From: Nigel Jones [redacted] s 9(2)(a)
Sent: Thursday, 29 October 2015 6:21 p m.
To: Jonathan Newport
Subject: Re: Archives New Zealand - complaint under the PRA

Hi Jonathan,

It's being a while since your last contact on the issue of Auckland Transport's handling of historical consultation data. I'm just curious if AT ever responded with a report regarding what happened or if it is still ongoing.

Thanks,

Nigel Jones

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From: [Jonathan Newport](#)
To: [Antony Moss](#)
Subject: Regarding a PRA complaint from Nigel Jones
Date: Friday, 30 October 2015 10:04:29 a.m.

Hi Tony,

Just checking with you before we pursue things further – months ago back we received a complaint from Nigel Jones about recordkeeping at Auckland Transport.

They were requested* to respond by 14 May, but you received a call from ‘Gerrard’ at Auckland Transport on the 13th advising that they were finalising their response, but it still needed to go through internal signoff and required a couple more weeks.

As far as I can see, this was the last we heard – is this correct as far as you are aware?

The driver here is that Mr Jones has made an enquiry this morning as to whether we ever received a response.

Thanks,

Jonathan

- It wasn't quite a formal S31 direction, since Auckland Transport is considered a Local Authority, but it was intended to be as close as we could reasonably make it.

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From: [Jonathan Newport](#)
To: ["Nigel Jones"](#)
Subject: RE: Archives New Zealand - complaint under the PRA
Date: Friday, 30 October 2015 10:09:18 a.m.

30/10/2015

Hello Nigel,

Thank you for your email - at the moment, it appears that we did not receive a report though we were advised back in May that the report was in process. I'm following this up and I hope to advise you more conclusively soon.

Kind regards,

Jonathan Newport
Archivist/Advisor

Archives New Zealand Te Rua te Mahara o te Kawanatanga
The Department of Internal Affairs Te Tari Taiwhenua
Direct Dial: +64 4 931 6981 Extn: 9283
10 Mulgrave Street
PO Box 12 050
Wellington 6144, New Zealand
www.archives.govt.nz

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From: [Jonathan Newport](#)
To: "xxxxxx.xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xx.xx"
Subject: Archives New Zealand - enquiry about status of response
Date: Friday, 30 October 2015 11:35:34 a.m.

30/10/2015

Hello Gerard,

The Chief Archivist sent a letter addressed to Dr David Warburton dated the 22nd of April 2015 regarding a complaint made by Mr Nigel Jones (your reference CAS-419803-B8C5M6). The Chief Archivist's letter asked several questions relating to Mr Jones' enquiry and a response was requested by the 14th of May.

I understand you called the Director of Government Recordkeeping at Archives New Zealand, Antony Moss, on the 13th of May advising that Auckland Transports response to the Chief Archivist's letter was in process of obtaining internal sign-off and that some additional time was required before the response would be sent (our understanding was that this additional time would be on the scale of a couple of weeks or thereabouts).

As of today, Archives New Zealand has not registered a response to the questions raised in the Chief Archivist's letter. Are you able to advise whether this response was sent? If not, it would be appreciated if a summary of the circumstances that have led to the delay/cancellation of the response would be appreciated.

Archives has received an enquiry from Mr Jones as to whether a response had been received by Archives New Zealand and we would like to advise him of the progress made to date.

Kind regards,

Jonathan Newport
Archivist/Advisor

Archives New Zealand Te Rua te Mahara o te Kawanatanga
The Department of Internal Affairs Te Tari Taiwhenua
Direct Dial: +64 4 931 6981 Extn: 9283
10 Mulgrave Street
PO Box 12 050
Wellington 6144, New Zealand
www.archives.govt.nz

From: Gerard Rooijakkers (AT)
Sent: Tuesday, 3 November 2015 12:39 p.m.
To: 'Jonathan Newport'
Subject: Interim information regarding Archives New Zealand's enquiry

Hello Jonathan,

I indicated in a phone conversation with Anthony Moss in May 2015 that ARTA records are not held by Auckland Transport, the physical records reside with the custodian Auckland Council. In spite of great efforts, Auckland Council's Records and Archives staff have been unable to retrieve the information requested by Mr Jones.

I have initiated extensive research of digital data on back-up tapes, which included data of the old ARTA organisation, resulting in the retrieval of some related information. Based on these research and retrieval efforts I have drafted a response, which is being reviewed by our management, prior to being addressed to the Chief Archivist. I will enquire at what stage the review of the draft response is and inform you of the outcome of my enquiry.

Given AT's continuing formal response process, please regard this information as an update rather than a formal response.

Kind regards,
Gerard

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Managing complaints alleging breaches of the Public Records Act v2

| | |
|------------------|--------------------------------------|
| Date approved | <e.g. 12 January 2013> |
| Review date | <e.g. 12 January 2013> |
| Policy owner | Government Recordkeeping Directorate |
| Objective number | A858642 |

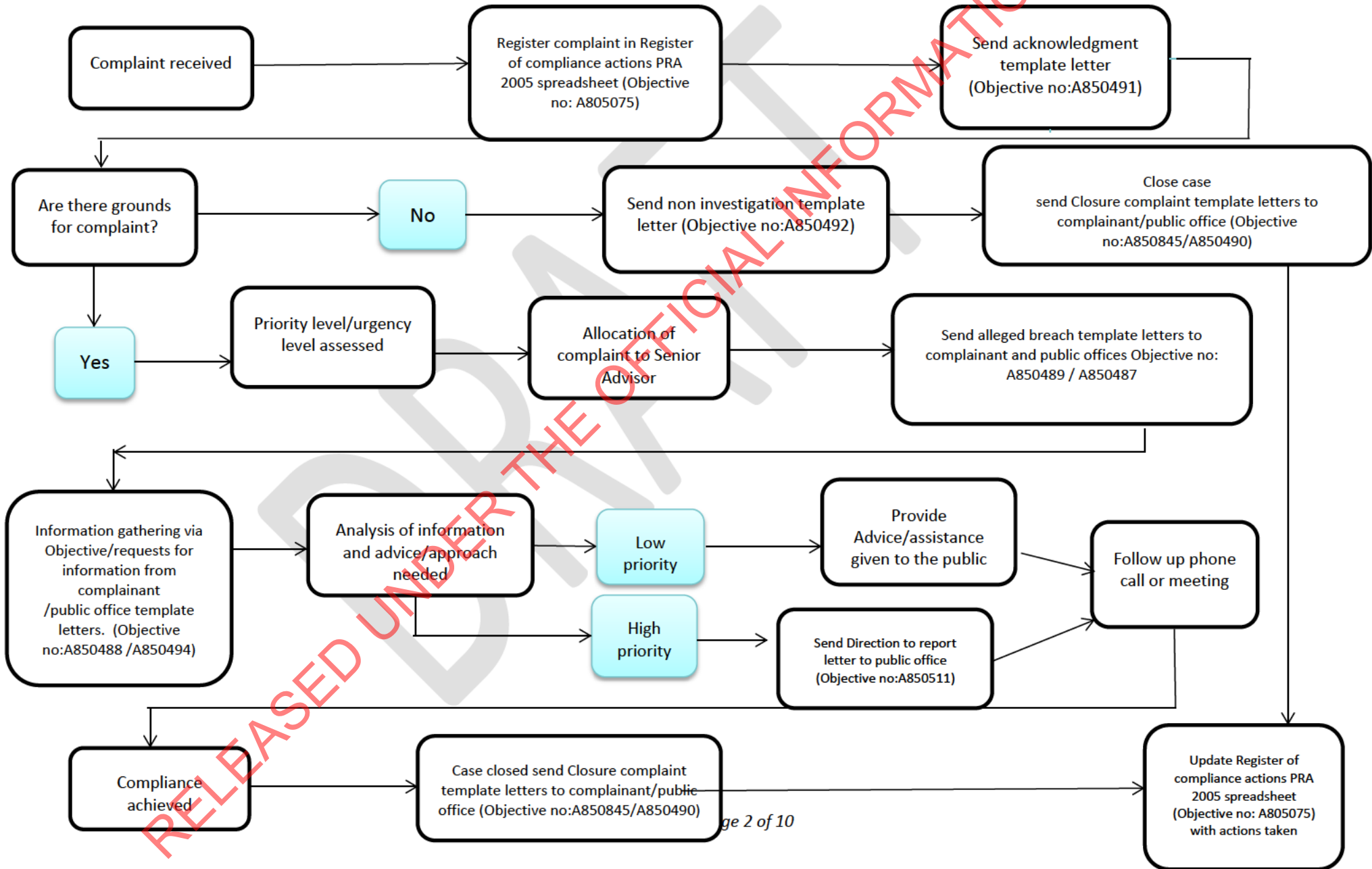
Background

The Advice and Compliance team occasionally receive ad hoc complaints from individuals about alleged breaches of the PRA by public offices via letters, emails, and telephone calls.

Archives New Zealand is expected to consider each alleged breach and provide appropriate advice or assistance.

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Managing alleged breaches of the PRA by public offices



Registering a complaint

The Manager, Advice & Compliance will register (or will delegate this task to a Senior Advisor/Advisor) the complaint within 1 working day of receipt in the Complaints and Investigations Register (A805075 on Objective) with the following information.

- Name of the source of the information
- Date that the information was received
- Details of the public office or local authority to which the complaint relates
- Name of person complaint referred to and date
- Details of the request for intervention

A letter of acknowledgement will be completed by an Advisor and signed off by the Manager, Advice & Compliance.

Early assessment

The Manager, Audit & Compliance or delegated staff member will decide if it is appropriate to progress a complaint within 30 working days.

An assessment will consist of:

- Reading the correspondence received
- Checking if there are breaches relating to creating, accessing, maintaining, managing, disposing or transferring of public records under the Public Records Act 2005
- Checking if this is a first time or subsequent breach
- Checking the organisation is a public office or the records are public or local authority records
- Checking age of the complaint is not so advanced it will hinder effective evidence gathering e.g. more than five years old
- Assessing risks for severity or urgency if the complaint is not progressed to either the records/complainant/public office or public sector

Deciding on priority/urgency levels

If the complaint meets the criteria listed in Early Assessment, the complaint will need to be assessed for the level of urgency and priority. See Appendix 4 for assistance.

See also Appendix 4 for further information and scenarios

Dismissing a complaint

If a complaint does not meet the criteria in Appendix 4 a letter will be sent to the complainant informing them that there will not be any further action taken and why. (See also template letters in Objective in folder A850463)

Allocation

The Manager of Advice & Compliance will allocate a complaint to a Senior Advisor/Advisor with:

- The complaint handling approach
- Information about the resources needed to manage the investigation
- A deadline for completion

Processing a complaint

Upon receipt of the complaint from the Manager, Advice & Compliance, the Senior Advisor/Advisor will:

- Save each complaint and related correspondence into a separate file within the 'Compliance Actions folder in objective (Objective reference: fA28885)
- Draft letters to the public office/complainant on behalf of the Chief Archivist informing them that their
- Obtain context through gathering historical/background information about the organisation:
 - i) Complaints and Investigations Register under the Strategic Management/Legislation/Public Records Act/Compliance Actions folders (Objective reference: fA28885)
 - Recordkeeping advice register under the Recordkeeping folder in Objective (Objective reference: A805302)
 - ii) Audit reports in the Client folder on Objective (Objective reference: fA10430)
 - iii) Portfolio Management Workflow Spreadsheets under the Appraisal and Disposal folder in Objective (Objective reference: qA85737)
 - iv) The complainant/public office
- For low impact alleged breaches draft recommendations for the public office regarding advice or action needed/resources and obtain sign off by Manager, Advice and Compliance
- For more high impact alleged breaches draft a Direction to report letter and obtain sign off from Chief Archivist if required
- Follow up with an audit/visit within the agreed timeframe if required

The Senior Advisor/Advisor will also:

- Keep the Manager, Advice & Compliance up to date on progress and will update the files about this complaint on Objective in the Compliance Action folder accordingly
- Keep the Manager, Advice & Compliance up to date on any changes that will affect the weighting/priority/urgency/risk levels and will amend the register accordingly and the Complaints folder on Objective.

Closure of a complaint

The Senior Advisor/Advisor, Advice & Compliance will close the complaint within 5 working days of completion on the Complaints and Investigations Register (A805075 on Objective) with the following information.

- Objective reference number(s) to file note and/or other documents created during the investigation
- Action taken/outcome
- Date closed

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Appendix : 1 Delegations

| Decision | Staff | Decision Maker |
|---|--|--|
| To research or not a potential breach of the Public Records Act | <ul style="list-style-type: none"> ▪ Advisor, Advice & Compliance | <ul style="list-style-type: none"> ▪ Manager Advice and Compliance |
| To engage an external audit provider from the panel to research a potential breach | <ul style="list-style-type: none"> • Manager, Advice and Compliance | <ul style="list-style-type: none"> ▪ Director Government Recordkeeping |
| To issue a Direction to Report under section 31 | <ul style="list-style-type: none"> ▪ Manager, Advice and Compliance | <ul style="list-style-type: none"> ▪ Director, Government recordkeeping |
| To consult with OAG and SSC on a serious breach of the Act involving systematic non-compliance over a prolonged period | <ul style="list-style-type: none"> • Director Government Recordkeeping | <ul style="list-style-type: none"> ▪ Chief Archivist |
| To engage Crown Counsel for legal advice | <ul style="list-style-type: none"> ▪ Legal Advisor ▪ Budget holder | <ul style="list-style-type: none"> ▪ Director, Government Recordkeeping |
| To initiate prosecution action under Section 61 | <ul style="list-style-type: none"> ▪ Legal Advisor ▪ Director Government Recordkeeping | <ul style="list-style-type: none"> ▪ Chief Archivist |
| Whether to commission a follow up audit | <ul style="list-style-type: none"> ▪ Senior Audit Advisor, Advice & Compliance ▪ Manager Advice and Compliance | <ul style="list-style-type: none"> ▪ Director Government Recordkeeping |
| Whether to include details of the offence in the section 35 Audit Report to the Minister which identifies the offender(s) | <ul style="list-style-type: none"> ▪ Director, Government Recordkeeping | <ul style="list-style-type: none"> ▪ Chief Archivist |
| Whether to include details of the offence in the section 32 Annual Report on Recordkeeping to the Minister which identifies the offender(s) | <ul style="list-style-type: none"> ▪ Director, Government Recordkeeping ▪ Senior Advisor, Audit program | <ul style="list-style-type: none"> ▪ Chief Archivist |

Appendix 2 Timeframes

| Task | Timeframe |
|---|---|
| Receipt of a complaint | Ad hoc |
| Registering a complaint | Within 2 working days |
| Acknowledging a complaint | Within 5 working days |
| Assessing a complaint/ Prioritising a complaint/Dismissing a complaint/Allocating a complaint | Within 30 working days |
| Investigating a complaint | Minor issue 3 months, major issue 6-12 months |
| Closing a complaint | Minor issue 3 months, major issue 6-12 months |

Appendix 3

Template letters for corresponding with the complainant/organisation. (Objective folder fA42281)

- Acknowledgement letter
- Non investigation letter (for non breaches)
- Breach found letter to complainant
- Breach found letter to organisation
- Breach found complainant more information letter
- Breach found organisation more information letter
- Direction to report letter
- Closure complainant letter
- Closure complainant letter

Appendix 4

Scenarios

The following will also help with ranking the complaints.

| | Impact of breach | Possible Responses |
|---|---|--|
| A | <p>Minimal Impact (Non-systemic)</p> <ul style="list-style-type: none"> – The public office has comprehensive policies and procedures in place designed to ensure its corporate compliance with the Public Records Act. The policies and procedures are widely understood and complied with across the public office. The Chief Archivist becomes aware of a one-off case of a new employee in customer service who decided to dispose of a number of relatively low value public records in order to free up additional storage space for records that need to be kept 'in play'. – The public office has acknowledged the error and has agreed to put in place measures to ensure that all new staff members are familiar with recordkeeping requirements. | <p>The Chief Archivist offers advice to the administrative head of the public office to help bring the office up to the required standard of recordkeeping.</p> |
| | | <p>The Manager, Disposal and Acquisitions directs the Portfolio Holder with responsibility for the affected public office within that team to liaise with the public office to determine whether any advice or assistance is required.</p> |
| B | <p>Medium Impact</p> <ul style="list-style-type: none"> – The public office has sound policies and procedures in place designed to ensure its corporate compliance with the Public Records Act, but these policies and procedures are not widely understood by all staff (including recordkeeping staff). The Chief Archivist becomes aware of a incidents where public records have been destroyed by staff without approval. – The public office acknowledges the error and agrees to put in place measures to ensure that all staff members are familiar with recordkeeping requirements. | <p>Audit findings reported to the Director, Government Recordkeeping.</p> |
| | | <p>The Chief Archivist issues a section 31 directive to the administrative head of the public body to report to him/her on proposed measures to address the identified issues.</p> |
| | | <p>The Chief Archivist offers assistance to the administrative head to enable the public office to bring themselves up to the required standards</p> |
| | | <p>Consider commissioning a follow up section 33 audit of</p> |

| | Impact of breach | Possible Responses |
|---|--|--|
| | | the public office within 6 years to determine whether the remedial measures have been implemented effectively and the office is compliant |
| C | <p>Significant (systematic) breach</p> <ul style="list-style-type: none"> - The public office has minimal policies and procedures in place designed to ensure its corporate compliance with the Public Records Act. These policies and procedures are not widely understood by staff and there is no evidence that any attempt has been made by management to communicate recordkeeping requirements to staff. - An investigation reveals a significant number of cases over the past 5 years where some public records of long term value have been damaged as a result of poor storage conditions while other records have been destroyed without approval. | <p>Chief Archivist directs the Government Recordkeeping directorate to review and assist the Public office in order to identify and remedy the recordkeeping deficiencies in place.</p> <p>Chief Archivist directs the Director, Government Recordkeeping to develop a plan of engagement in order to assist the public office in meeting its obligations.</p> <p>The Chief Archivist issues a section 31 directive to the administrative head of the public body to report to him/her on proposed measures to address the identified issues.</p> <p>Include specific details of the audit findings in the section 32 and 35 reports to the Minister Responsible for Archives</p> <p>Schedule a follow up section 33 audit of the public office within 6 years with a specific brief to determine whether the remedial measures have been implemented effectively and the office has remedied the issues identified earlier.</p> <p>Findings reported to Chief</p> |

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| | Impact of breach | Possible Responses |
|---|--|---|
| | | Archivist |
| D | <p>Major (systematic) breach</p> <ul style="list-style-type: none"> – There are minimal or no recordkeeping policies or procedures in place within the public office. Previous indications from the public office (via the PRA audit process and general correspondence with the office indicated that there were policies and procedures in place and that the public office was aware of its obligations under the Act. – There is prima facie evidence of knowing breaches of the requirements of the Act and of the compulsory standards over a sustained period of time. – There is no evidence of any remedial action underway to improve the quality of recordkeeping or a commitment to do so. Despite the issuance of direction from the Chief Archivist. | <p>Crown Law Office legal advice obtained on the audit findings</p> <p>Independent Auditor briefed to obtain any additional information necessary to determine the way forward.</p> <p>Chief Archivist briefs with the State Services Commissioner and Controller and Auditor-General on preliminary audit findings</p> <p>Crown Law Office and New Zealand Police requested to initiate prosecution action (within 6 months of the first audit)</p> <p>Include specific details of the audit findings in the section 32 and 35 reports to the Minister Responsible for Archives</p> <p>Schedule a follow up section 33 audit of the public office within 6 years with a specific brief to determine whether the remedial measures have been implemented effectively and the office has remedied the issues identified earlier.</p> |

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From: [Gerard Rooijackers \(AT\)](#)
To: [Polly Martin](#)
Subject: FW: Interim information regarding Archives New Zealand's enquiry
Date: Tuesday, 10 November 2015 8:21:57 a.m.
Attachments: [image001.jpg](#)

Hi Polly,

In response to your phone message please see email below.

Cheers,

**Gerard Rooijackers | Information
Management Team Lead
Business Technology**
Level 1, Vodafone Building, Smales Farm
Business Park,
68-76 Taharoto Road, Takapuna
Private Bag 92250, Auckland 1142
DDI +64 9 447 4245
M 021 830977
F +64 9 355 3550
xxxxx.xxxxxxxxxx@xxxxxxxxxxxxxxxxxx.xx
www.at.govt.nz



From: Gerard Rooijackers (AT)
Sent: Tuesday, 3 November 2015 12:39 p.m.
To: 'Jonathan Newport'
Subject: Interim information regarding Archives New Zealand's enquiry

Hello Jonathan,

I indicated in a phone conversation with Anthony Moss in May 2015 that ARTA records are not held by Auckland Transport, the physical records reside with the custodian Auckland Council. In spite of great efforts, Auckland Council's Records and Archives staff have been unable to retrieve the information requested by Mr Jones.

I have initiated extensive research of digital data on back-up tapes, which included data of the old ARTA organisation, resulting in the retrieval of some related information. Based on these research and retrieval efforts I have drafted a response, which is being reviewed by our management, prior to being addressed to the Chief Archivist. I will enquire at what stage the review of the draft response is and inform you of the outcome of my enquiry.

Given AT's continuing formal response process, please regard this information as an update rather than a formal response.

Kind regards,
Gerard

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From: Polly Martin [mailto:Polly.Martin@dia.govt.nz]
Sent: Friday, 27 November 2015 12:09 p.m.
To: Gerard Rooijakkers (AT)
Cc: Antony Moss
Subject: RE: Interim information regarding Archives New Zealand's enquiry

Kia ora ano Gerard

Archives New Zealand has still not received a response from Dr David Warburton.

We have also not heard from yourself about the progress of the report required on 14th May.

I just wanted to give you heads up that further communication from the Chief Archivist is likely due to the lack of response in a timely manner.

As you will know the statutory powers of the Chief Archivist permits her to exercise a leadership role in government recordkeeping.

The Chief Archivist has directed your organisation to report as specifically outlined in Section 31 of the Public Records Act.

Direction to report to Chief Archivist

- The Chief Archivist may give notice in writing directing the administrative head of a public office or of an approved repository to report to the Chief Archivist or to any other person specified by the Chief Archivist on—
 - (a) any specified aspect of its recordkeeping practice;
 - (b) the public records that it controls or (in the case of an approved repository) has possession of.

This direction has been issued in response to our assessment of a complaint received by the Chief Archivist in December of 2014.

Nga mihi

Polly Martin | Manager Advice & Compliance.

Government Recordkeeping Directorate

Archives New Zealand Te Rua Mahara o te Kawanatanga

Direct dial +64 4 894 6067 | Extn9267 | Mobile: +64 21 685 210 | www.records.archives.govt.nz

Archives New Zealand is part of the Department of Internal Affairs

From: [Gerard Rooijackers \(AT\)](#)
To: [Polly Martin](#)
Cc: [Ian M Smith \(AT\)](#)
Subject: RE: Interim information regarding Archives New Zealand's enquiry
Date: Monday, 30 November 2015 8:35:11 a.m.
Attachments: [image001.jpg](#)

Hi Polly,

I have escalated this matter with Ian M. Smith, Enterprise Information Manager:

xxx.x.xxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx.xx

Kind regards,

Gerard

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15 December 2015

Chief Archivist
Archives New Zealand
PO Box 12050
Wellington 6144

Dear Ms Little,

On 22 April 2015 you requested information regarding a complaint received by Archives New Zealand from Mr Nigel Jones.

On 22 October 2014 Mr Jones had made a request for information regarding proposed changes to the North West Auckland Western bus route consultation instigated in 2009. He received a response from Auckland Transport in December 2014 that the information he sought could not be located.

I have further investigated the matter and come to the conclusion that some of the information requested by Mr Jones has been retrieved from back-up tapes still available with an external service provider. However none of the physical records have been located from the ARTA records held in custody by Auckland Council.

The respective records were part of Auckland Regional Transport Authority (ARTA) and after the amalgamation of the seven councils in the Auckland region and Auckland Regional Council in November 2010 have been in custody with Auckland Council since.

In regards to your questions:

- Auckland Transport and Auckland Council have undertaken further searches. We have been able to locate some electronic records regarding the 2009 Bus Review in West Auckland from back-up tapes of a decommissioned shared drive, which was held at Auckland Transport. However, I have been unable to source the relevant physical records from ARTA's archive held by Auckland Council.
- Auckland Transport staff receives records and information management training at the start of their employment. We also regularly review and communicate records and information management guidelines, which are published on Auckland Transport's intranet.
- It's my conclusion from our investigations that when ARTA ceased to exist, efforts to consolidate records from individual ARTA staff and contractors had been insufficient.
- Unfortunately I am not in a position to comment on any of your queries regarding the retention of ARTA records as these are not managed by Auckland Transport.
- We are reviewing our current records management processes and procedures based on this case and will be taking measures to ensure that our records continue to be managed in accordance with the Public Records Act 2005.

Yours sincerely

Roger Jones
Chief Technology Officer

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BUS SERVICE CHANGES FOR NORTH WEST WAITAKERE AND WESTERN RODNEY

Why are we making changes?

In August 2009, we consulted on a new bus network for the North West of Waitakere (Massey, West Harbour, Hobsonville and surrounding areas) and western Rodney (along State Highway 16 from Westgate to Helensville). We appreciate the feedback from customers and, as a result, have made a number of changes to our original proposal.

We have worked closely in partnership with our operator, Ritchies Transport Holdings, to come up with a network that delivers on the objectives we consulted on and to respond to customer feedback from the consultation phase.

To recap, the objectives were to:

- Link your suburb with your nearest shopping centre (Westgate, Lincoln Rd, Henderson)
- Be simple, with routes and timetables which are easier to understand and use.
- Improve reliability.
- Provide connections to other bus and train services.
- Ensure resources are used more efficiently on ratepayers' behalf.

The new network will be implemented on Sunday, 19 September 2010.

What are the key changes?

Changes outlined below are as a direct result of community consultation balanced with the objectives outlined above.

Simplified network

We have simplified the current 25 routes (some of which only operate once or twice a day) to 6 all-day routes and 5 express routes. To further simplify things, we have based the express routes on the all-day routes. See the map on the other side for the new route structure.

Connection to other bus and train services

To allow more opportunities to connect with other buses and trains, buses will now travel through Henderson via the bus/ rail interchange on Railside Avenue. Where possible, services are timed to connect to trains to and from Britomart at Henderson. Most areas retain a direct connection to Downtown Auckland.

More frequent Sunday service

Many areas of Massey and West Harbour will have an hourly bus service on Sunday for the first time.

Te Atatu Road

There will be late evening and improved Sunday bus service on Te Atatu Road between the Te Atatu South and Glendene roundabouts. Weekday services have been retimed to provide two services per hour, with a more even frequency with Go West's 087 service.

Edmonton Road

There will only be limited late evening services on Edmonton Road. Sunday service will be provided by Go West's 049 service via Te Atatu Peninsula. We are working with Go West to extend some late evening service via Edmonton Road to provide coverage in this area.

Whenuapai and Herald Island

In response to feedback about the proposal to withdraw bus service from these areas, we will retain a two-hourly weekday shuttle service to Westgate and a return peak express trip to the Auckland CBD. We will review this after one year to see if patronage has picked up to the extent that justifies ongoing operation. A minimum of 10 passengers per trip averaged across the day is required to continue to run the service.

West Harbour to North Shore

Many customers did not support the proposal to run the crosstown service to the North Shore via Hobsonville Road. As a result of this, the service will continue to operate through West Harbour.

Cross-town services

We received a lot of feedback about the long trip times on the current 133 service between Takapuna, Westgate, Henderson and New Lynn. As a result of this, new route 130 will run from Takapuna to Smales Farm and then via the Northern Busway to Constellation Station and then via Upper Harbour Highway to Greenhithe. We expect this to reduce travel times and improve reliability on the cross-town service.

Riverhead

We consulted on withdrawing the current single daily return trip to Riverhead. As this service is only used by an average of two passengers a day between Riverhead Village and Riverhead Turn-off, we will proceed with discontinuing this service. The last day of operation will be Friday, 17 September 2010. Alternative options are the Helensville services via State Highway 16, which can be accessed at the Riverhead turn-off, where a park and ride area is available.

Greenhithe

The change to the cross-town route (see above) means that there will no longer be a direct connection between Greenhithe and Glenfield Mall. However, customers can transfer on Albany Highway to the 957 service or transfer to the 560 service at Constellation Station.

West Harbour/ Hobsonville

Owing to low patronage on current services, there will be one return express bus service linking Hobsonville and West Harbour with Downtown Auckland. Direct bus services to Downtown Auckland, will operate during the late evening. Alternatives for customers include the West Harbour Ferry; using the 130 service to Constellation Station to connect with the Northern Express; or using the 130, 092 or 093 services to Westgate where transfers are available to other buses to Downtown Auckland.

Massey University

Some customers were not happy with the proposal to end the 132 service to Massey University. There are currently nine daily services (four to Massey and five from Massey). These are poorly patronised and sometimes at inconvenient times. The new 130 crosstown service will provide a half-hourly peak and hourly daytime service to Constellation Station with a good connection to the 887 service direct to Massey University. This gives a good increase in trip choice.

Helleur Road and Kemp Road

Customers did not support the proposal to withdraw bus service from these roads. As a result of this, the 130 crosstown service will run via these roads.

Who is making these changes?

The Auckland Regional Transport Authority (ARTA) has led this project. Key stakeholder Waitakere City Council (WCC) was involved in developing this service proposal. We have worked in partnership with Ritchies Transport Holdings to finalise the service proposal based on customer feedback and the need to responsibly manage public funds.

What happens next?

- We will be working to inform customers about the new bus service structure (and about service alternatives where there have been changes to current routes).
 - We will implement the new service structure on Sunday 19 September 2010.
- We will be closely monitoring how the new service structure operates.

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NORTH WEST WAITAKERE/ WESTERN RODNEY

Why are all of the bus route numbers changing in the North West?

To help customers understand the system and to minimise confusion, we have renumbered routes where they are different from current routes. We have also simplified the current complex route structure in the area to help customers even further. Instead of the current 22 routes there will be 3 core all-day bus routes, 3 shuttle services to connect to the cores routes and 5 express bus routes. To further simplify things, the express routes are based on the all-stops bus route of the same number. Many current routes run only once or twice a day and sometimes only in one direction. As a result of this exercise, 16 current route numbers will cease to exist. We believe the outcome will be a much simpler, more consistent and easier to understand network in the North West.

Why are buses being re-routed in Henderson?

Customers have told us they wanted better transfer between North West buses and trains at Henderson. To address this and to help build a more integrated public transport network, we have re-routed buses to serve the bus-rail interchange on Railside Ave. The new 130 crosstown service has been retimed to connect with trains to and from Britomart at Henderson. In addition, the 080 service via Don Buck Road connects outbound with trains from Britomart. This means that the bus stops on Great North Road will no longer be served.

Why has the 132 Massey University bus service been cancelled and what alternative are there?

The current Monday to Friday service runs four times a day to Massey Uni and five times a day back from Massey. This service will not operate from Friday 17 September but good alternatives are the half-hourly peak and hourly daytime 130 service between New Lynn, Henderson, Westgate, Greenhithe and Constellation Station (before continuing to Takapuna via the Northern Busway). At Constellation Station, there are good connections to Massey University on routes 555 and 880 and from Massey University on route 880. The reason for the current service's cancellation is because it is very under patronised and operated at inconvenient times for university students and workers in North Harbour Industrial Estate.

Why has the 063 Riverhead bus service been cancelled and what alternatives are there?

A convenient alternative bus service is at the Riverhead Turn-off to State Highway 16 where there is a park and ride and a half-hourly peak express bus service via the Northwestern Motorway from Westgate to Pt Chevallier. In addition, there is a two hourly shuttle service daytimes Monday to Saturday from there to Westgate with timed transfers to buses to Henderson and Downtown Auckland. We consulted in August 2009 on withdrawing this very poorly patronised service. Since then, there has been no evidence of an increase in patronage with an average of only two passengers per day boarding in Riverhead village and between there and State Highway 16. Therefore, the service will not run after Friday 17 September.

Why does Edmonton Road only have limited late evening and no Sunday Ritchies bus service?

To improve Sunday service in Te Atatu South, we had a choice between a two-hourly service on both Edmonton Road (where Go West provides some service) and on Te Atatu Road, where no alternative service is available. Also, the current last bus along Te Atatu Road is a 7.35pm Go West service. We have put in three evening trips on Te Atatu Road at 8pm, 10pm and 11.10pm and retained a 9pm trip via Edmonton Road. On Sundays, Go West route 049 provides a two-hour service between most of Edmonton Road and Downtown Auckland although we do acknowledge that travel times will increase as a result of travelling around the Te Atatu Peninsula loop.

Why is the 104 service being made into a one-way loop?

Feedback from customers, many of whom are elderly, told us that minimising walk distances and avoiding difficult road crossings are more important to them than travel speed. To this end, we designed this loop to have as many pensioner villages on the same side of the road that it serves (Wairau Ave, New Windsor Rd, Blockhouse Bay Road and Ulster Road). Customers who need to travel around the loop beyond New Lynn are welcome to stay on board the bus until it departs New Lynn on its next trip.

MARUA ROAD

Why do Marua Road buses no longer service the bus interchange at Panmure Station?

Passengers are still able to transfer to Eastern Line trains at Glen Innes Station as well as to Southern Line trains at Ellerslie Station. We cannot run the Marua Rd service reliably while still serving the Panmure Station bus interchange, so we have taken the decision to no longer run this service via this station.

Why has the 58F flyer bus been cancelled and what are the alternatives?

Due to changes in travel patterns, rail has become a more attractive option for peak commuters. In addition, motorway congestion meant that the flyer bus did not save significant time over all-stops buses which have bus priority measures on Ellerslie Panmure Highway, peak period bus lanes on Great South Road and use the Central Connector busway to access the central city. We suggest that customers consider either using an all-stops bus or transfer to a train at Ellerslie Station if travelling to Newmarket and Britomart. At peak times, there will be around six trains an hour between Britomart and Ellerslie in the peak direction.

Why will the 585, 586 and 588 buses no longer run via Ellerslie-Panmure Highway?

Owing to the frequent service provided by Howick & Eastern routes 50, 51, 52, 55, 680 and 681 on Ellerslie Panmure Highway, we are reallocating the buses running the 585, 586 and 588 service to improving the current level of bus service on Marua Road.

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Why is there no direct connection between Greenhithe and Glenfield Mall?

The focus of the new 130 service is on providing a connection between the west and the North Shore. By serving the Northern Busway between Constellation Station and Smales Farm Station, it allows Greenhithe bus customers to connect to a wider variety of other services, including the Northern Express to AUT Akoranga and Britomart. The 130 service will provide faster service from Greenhithe to Takapuna and direct service to Westgate. For customers wanting to get to Glenfield Mall, connections are available at Constellation Station to route 560.

Why is there one direct all-day service between West Harbour and Downtown Auckland?

In the case of West Harbour, we have retained a single direct return express bus trip at 7.10am from Hobsonville, returning from Downtown Auckland at 5.10pm. The 6.10am and 6.40am 130 services from Hobsonville are designed to connect to 060 express buses at Westgate which travel on the North-Western Motorway from there to Westgate. Other alternatives are to use the 130 service to Constellation Station and transfer to the Northern Express or Midtown bus services there. At off-peak times, route 130, 092 and 093 services from Hobsonville have timed-transfers (with through fares) to either the 080 or 090 buses to Henderson and Downtown Auckland at Westgate. For some customers, the West Harbour Ferry may be an alternative worth considering.

What is happening to bus services in Whenuapai and Herald Island?

In August 2009, ARTA consulted on a proposal to withdraw all bus service to Whenuapai and Herald Island. However, in response to concerns expressed by customers and working in partnership with local residents and ratepayers groups, we decided to retain a two-hourly shuttle service between Whenuapai, Herald Island and Westgate with timed-transfers (with through fares) to either the 080 or 090 buses to Henderson and Downtown Auckland at Westgate. In addition, there will still be a single weekday return express bus service to Downtown Auckland, leaving Whenuapai Village at 6.50am and returning from Downtown Auckland at 5.10pm.

GREEN BAY

Why have the bus times all been changed?

Many customers asked us during the public consultation process to better integrate buses and trains in New Lynn. To this end, we have retimed Green Bay buses to connect at New Lynn with train services to and from Britomart. This is especially important in the evenings, where selected train departures from Britomart will connect to a bus heading towards South Lynn and Green Bay.

Why will there no longer be bus service in Islington Ave?

The Glenburn Retirement Village requested that we provide them with bus services. To respond to this, we are re-routing 193, 198 and 199 buses via Margan Ave. We realise that this will increase walking distances for some customers in Islington Ave but please note that the maximum additional walk distance will be about 120 metres or approximately a two minute walk. Some customers in the middle of Islington Ave will actually be closer to the new stops on Margan Ave, via the Thom St walkway, than the current stops in Islington Ave.

What is happening with bus service in Hutchinson Ave?

This road will be served by the hourly 185 service between New Lynn and Blockhouse Bay during the day, every day of the week. Route 199 will service the road every evening of the week, as well as some peak Go West routes 182, 183 and 184 services. The Go West routes 180 and 181 will no longer run via Hutchinson Ave.

- The plan includes 3 express services that will operate from Massey to Britomart at peak commuting times.
- Don Buck Rd will have a service to West Harbour and Hobsonville.

Lincoln Rd, Swanson Rd and Central Park

- High frequency of bus services travelling along Lincoln Rd to Henderson.
- One peak commuting time express service to operate up Lincoln Rd to Britomart via the Motorway.
- Universal Dr will have a frequent connection to Henderson as well as a peak commuting time express service.
- Central Park Dr will be accessible by planned bus route 051.
- Lincoln Rd and Universal Dr will have a service to Swanson and Ranui.
- The southern portion of Lincoln Rd and Te Pai Pl will have access to Te Atatu Rd shops and the Te Atatu peninsula.

Te Atatu Peninsula

- Connection to Britomart via the Northwestern Motorway.
- Connection to Henderson via School Rd, Te Pai Pl, and Lincoln Rd.
- The planned bus routes will serve Totara Rd which is currently a significant walk to the existing bus services.

Te Atatu South

- Edmonton Rd will have a frequent connection to Henderson and Britomart (via the M'way).
- Te Atatu Rd will have a frequent connection to Henderson and Britomart (via the M'way).
- Royal Rd area will be connected to Britomart, Lincoln Rd, Te Atatu Peninsula and Henderson.

Swanson and Ranui

- Ranui and Swanson will be connected, by two buses, to New Lynn via Henderson.
- Train services are the direct passenger transport services to Britomart from this area.

Page 2-3

Large Map with frequencies

| | M-F peak commuting times | M-F daytimes | Mon-Sun Evenings | Saturday daytimes | Sundays daytimes |
|-----|--------------------------|--------------|------------------|-------------------|------------------|
| 110 | 30 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 111 | 30 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 115 | 60 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 116 | 60 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 117 | 30 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 118 | 15-30 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 119 | 30 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 120 | 30 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 121 | 30 mins | 60 mins | 60 mins | 60 mins | 60 mins |
| 122 | 30 mins | 60 mins | 60 mins | 60 mins | 60 mins |

Express map and frequencies

| Bus route | M-F peak commuting times (6:00am-8:00am and |
|---|---|
| 111x – Helensville to Britomart | 30 mins |
| 115x – Ranui to Britomart Express | 60 mins |
| 116x – Swanson to Britomart Express | 60 mins |
| 119x - Massey East and Triangle Rd Express | 30 mins |
| 120x-Hobsonville Express | 30 mins |
| 121X – Waimumu Rd Express | 30 mins |
| 123x – Don Buck Rd and Universal Dr Express | 30 mins |

Inside back cover

Survey plus additional material to be specified later

Back cover

Free post and ARTA blurb (same as template)

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This is consistent with other transport projects in the Auckland region as ARTA aims to ensure better value for money for ratepayers.

Why are the bus services changing?

These changes are part of a region-wide review of all bus routes to make the network easier to understand and use. ARTA's strategy for public transport across the Auckland region will see a simpler, more easily understandable network of bus routes operating more directly than currently.

The major centres in Waitakere (Westgate, Henderson, and New Lynn) are becoming increasingly popular destinations for work, shopping and play. In addition to this, the rail services have become increasingly popular changing the way in which people are using the bus network. The proposed new network reflects these changes.

The proposed changes will not suit everyone, but we hope that the new network will be more attractive to more people so that fewer people will be dependent on their cars for all their travel needs.

If I have to transfer between services will I have to buy two tickets?

Because the proposed bus network will require some passenger transport users to transfer services (bus to bus or bus to train) it is imperative that passengers can do this with ease and without financial disincentive. An integrated ticket will be implemented in conjunction with the proposed service changes.

Why aren't some of the buses more frequent?

Once we have a simpler network in place we hope to be able to afford to run buses more frequently so that they will be more convenient for more people to use in the future.

Who is making these changes?

Auckland Regional Transport Authority (ARTA), Ritchies, Go West, Waitakere City Council and Rodney District Council are all involved in this project.

Here's what the new network will mean for your neighbourhood....

Helensville, Kumeu, Huapai and Waimauku

- A regular service (7 days a week) between Helensville and Henderson via Westgate.
- Peak commuting time services to Britomart via the North Western Motorway.

Hobsonville and West Harbour

- A regular service between Hobsonville, West Harbour, Westgate and Henderson.
- A regular service along Hobsonville Rd to Henderson, Westgate, and Takapuna (via the Northern Busway).
- Peak commuting time express services will operate from Hobsonville and West Harbour to Britomart via the North Western Motorway.

Massey

- Three bus routes are planned to serve the area between Westgate and Henderson via the various areas in Massey.
- Central Park Dr will be accessible by planned bus route 051.

Cover Page

What is in this booklet?

Page 1 – Introduction of changes

Page 2 – What the proposed changes will mean for your neighbourhood

Page 3,4 – Map of proposed bus network and proposed frequencies

Page 5 – Map of proposed express bus network and proposed frequencies

Page 6 - ???? and FREE POST FEEDBACK FORM

Inside Cover and Page 1

We're planning a new network of bus services in you area, which are designed to:

- Link your suburb with your nearest town centre (Westgate, Henderson).
- Provide a simpler network that is easier to understand and use.
- Provide connections to other passenger transport services (rail and bus) to increase your travel opportunities throughout the Auckland region.
- Improve reliability and service directness.
- Achieve better value for money for ratepayers – achieving better results with current resource allocations.

What bus routes are being reviewed?

The following bus routes are included in this review:

130, 131, 132, 133

051-058

061-067

090-095

048-049

121-123

13f

36f

98f

079

085

087

089

097

134-136

140

If I have a bus service now, will I have one under the current plan?

A number of areas currently served by bus are going to lose their service under the proposed plan. For example if you live in Riverhead, Whenuapia or Herald Island this proposal sees the removal of bus service in your area.

The services are proposed for removal because of low demand and/or low patronage on the current services.

Resources from these services will be redirected into other bus services in the area.

Compliance Assessment report to Chief Archivist

1. The Issue

Background

On 4 December 2014 a complaint was received from Nigel Jones saying that the records he had requested under the Local Government Official Information and Meeting Act regarding the 2009 Public Consultation process about changes to some of the North-West bus routes could not be located by either Auckland Transport or the Auckland Council Archives. These records were created by the Auckland Regional Transport Authority (ARTA) which as an entity that no longer exists. Auckland Transport now performs the functions previously performed by the ARTA. All records were transferred to the control of Auckland Council as part of the 2010 merger of all Auckland Regional Councils.

While Mr Jones' initial complaint was received in early December the initial response from Archives was a request for clarification regarding some aspects of the request. Clarification was received promptly but this clarification was received directly by a staff member who left Archives New Zealand shortly afterwards. It was not realised that the clarification had been received and the enquiry was left unaddressed until Mr Jones queried the status of his request on 17 April 2015.

1. Assessment

Chief Archivist's jurisdiction

The Chief Archivist can use direction to report and inspection powers in relation to public offices, local authorities, public and protected records and archives.

Initial findings

Mr Jones' enquiry included his correspondence with the local authorities. Records of Policy, Planning or Strategy involving a process of public consultation constitute Protected Records under section 14 of the *List of protected records for local authorities* and an identical provision existed in section 14 of the preceding *Local Government Schedule (in force in 2009)*.

From the evidence presented it appears very possible that Auckland Transport (a Council Controlled Organisation) appears to have acted contrary to its obligations under the Public Records Act (PRA) as consent of the Chief Archivist is required before any Protected Records can be disposed of (section 40, PRA). No evidence of any previous notification of the disposal of these records could be found.

It was felt appropriate that the Chief Archivist request further information from Auckland Transport so that the extent of the issue could be established and so that Archives New Zealand gives appropriate advice and direction on proper practice around the PRA obligations for Local Authorities and Council Controlled Organisations.

2. Decision to Direct Auckland Transport to report

The following questions were put to Auckland Transport as part of the Chief Archivist's direction to report:

1. The extent of the search originally undertaken in response to the original request of 22 October 2014. It is indicated that the archives of Auckland Transport and the Auckland Council were searched. It is not clear whether the search extended any further, or if there would be any merit to a further search.
2. Whether Auckland Transport staff are briefed and trained around the obligation to ensure that records of the types set out in the *List of Protected Records for Local Authorities* or the *Local Government Schedule* are not disposed of without the consent of the Chief Archivist.
3. What was the cause of the loss of the records sought, and (if possible) the date or timeframe in which the records were lost.
4. If the cause of the loss of records is identified as being due to inadequate or absent policy around the retention of records of this nature, what actions Auckland Transport proposes to take or has since taken in order to ensure that Protected Records are retained and accessible.

3. Response from Auckland Transport

"Search for records"

Auckland transport and Auckland Council have undertaken further searches. We have been able to locate some electronic records regarding the 2009 Bus Review in West Auckland from back-up tapes of a decommissioned shared drive, which was held by Auckland Transport. However, I have been unable to source the relevant physical records from ARTA's archive held by Auckland Council.

"Training on records covered in the List of Protected Records for Local Authorities"

Auckland Transport staff receives records and information management training at the start of their employment. We also regular review and communicate records and information management guidelines, which are published on Auckland Transport's intranet.

"Cause of the records loss is identified and if possible the date and timeframe"

It's my conclusion from our investigations that when ARTA ceased to exist, efforts to consolidate records from individual ARTA staff and contractors had been insufficient.

"Actions to ensure Protected Records are retained and accessible"

Unfortunately I am not in a position to comment on any of your queries regarding the retention of ARTA records as these are not managed by Auckland transport.

We are reviewing our current records management processes and procedures based on this case and will be taking measures to ensure that our records continue to be managed in accordance with the Public Records Act 2005.

Assessment

Four of the five record types Mr Jones was seeking are considered Protected Records under section 14 of the *List of Protected Records*. These records should have been retained; however, these records are no longer in the control of Auckland Transport (AT) and are now in the control of Auckland Council since the merger in 2010. No evidence could be found that notification of the disposal of these records to the Chief Archivist had been made.

The Records and Document Management project component of the Business Process and Systems workstream as part of the Auckland Transition Authority had developed a Service Level Agreement (SLA) to have been signed in October 2010. This SLA was intended to provide linkages to existing council information bases, historical records, and legacy systems to ensure ongoing continuity. No evidence of the implementation of the SLA has been provided.

Recommendations

It is therefore recommended that

- a request be made to Auckland Council for the procedures and processes that are in place to ensure accessibility, any deficiencies in the procedures and the plans to address them.
- a request for a progress update of the implementation of the SLA between Auckland Transport and Auckland Council.

Approved: Yes No

Date:

Signature:

Marilyn Little

Chief Archivist, Archives New Zealand

| Papers prepared for Chief Archivist sign-off | | | | | |
|--|--|-------------|--|------------|--|
| Title: | Response to Auckland Transport re: Direction to report regarding loss/disposal of Auckland Regional Transport Authority records regarding 2009 North-West bus route consultations. | | | | |
| Doc Type: | Letter for Signing | | | | |
| Prepared by: | Rebecca Smart, Senior Audit Advisor, Advice & Compliance | | | | |
| Peer reviewer: | Polly Martin, Manager Advice & Compliance | | | | |
| Objective: | A871104 | DMS: | | IA: | |
| Due date: | | | | | |
| Manager sign-off | | | | | |
| Date: | | | | | |
| Signature: | | | | | |
| Senior Manager sign-off | | | | | |
| Date: | | | | | |
| Signature: | | | | | |
| Comments. | | | | | |
| Please find attached a response letter to Auckland Transport re: the direction to report on the loss/disposal of Auckland Regional Transport Authority (ARTA) records in 2009. | | | | | |
| Background Info | | | | | |
| On 4 December 2014 a request was received from Nigel Jones outlining his concerns that records of the Public Consultations conducted by ARTA about changes to some of the North-West bus routes were unavailable. As it appears that during the merger of ARTA with Auckland Council records were loss/disposed of without permission of the Chief Archivist. The attached letter is a response with recommendations to the direction to report from Auckland Transport. | | | | | |
| Recommendations | | | | | |
| If you agree with these recommendations it is recommended that you sign: | | | | | |
| <ul style="list-style-type: none"> ➤ The enclosed letter addressed to the Chief Technology Officer of Auckland Transport | | | | | |

Chief Archivist sign-off

Approved Yes No **Date:**

Signature:

Marilyn Little
Chief Archivist, Archives New Zealand

Comments

Return to: **Rebecca Smart**

RELEASED UNDER THE OFFICIAL INFORMATION ACT

29 February 2016

Stephen Town
Chief Executive
Auckland Council
stephen.town@aucklandcouncil.govt.nz

Dear Mr Town

On the 4 December 2014, Archives New Zealand received a complaint under the Public Records Act (2005) from Mr Nigel Jones. Mr Jones sought from Auckland Transport in October 2014, information regarding proposed changes to the North-West Auckland Western bus route consultation instigated in 2009. He received a response from Auckland Transport in December 2014 that the records sought could not be located.

In April 2015, Auckland Transport were requested under the direction of section 31 of the Public Records Act 2005 (PRA) to report to me on the loss of the records containing information sought by Mr Nigel Jones in his request of 22 October 2014 to Auckland Transport.

Auckland Transport reported to us in December 2015 that further searches for the records had been undertaken and provided evidence to show some of the records were able to be retrieved from backup tapes held by Auckland Transport. That when Auckland Regional Transport Authority (ARTA) ceased to exist, the management of records and processes at this time was insufficient, and that ARTA records are now managed by Auckland Council.

I am concerned that four of the five record types Mr Jones was seeking are considered Protected Records under section 14 of the *List of Protected Records*. I understand these records are now in the control of Auckland Council since the merger in 2010. My understanding is that as part of the transition process, Auckland Transition Authority developed a Service Level Agreement (SLA) between Auckland Council and Auckland Transport. This SLA was intended to provide linkages to existing council information bases, historical records, and legacy systems to ensure ongoing continuity.

I am requesting information from Auckland Council, including records confirming that this SLA exists and how it is being implemented.

If you have any queries please contact Antony Moss, Director Government Recordkeeping (027 476 0361) at Archives New Zealand.

Yours sincerely

Marilyn Little
Chief Archivist

RELEASED UNDER THE OFFICIAL INFORMATION ACT

29 February 2016

Roger Jones
Chief Technology Officer
Auckland Transport
roger.jones@aucklandtransport.govt.nz

Dear Mr Jones

Thank you for your response dated 21 December 2015 received under the direction of section 31 of the Public Records Act 2005 (PRA) to report to me on the loss of the records containing information sought by Mr Nigel Jones in his request of 22 October 2014 to Auckland Transport.

I have made an assessment and taken into account the information provided in your response to our direction. Your main points were;

1. that further searches for the records had been undertaken and you provided evidence as attachments (with your letter) to show that some of the records were able to be retrieved from backup tapes held by Auckland Transport;
2. that Auckland Transport staff receive records and information management training at the start of their employment and that guidelines for records and information management are regularly reviewed and published on the Auckland transport intranet;
3. that when Auckland Regional Transport Authority (ARTA) ceased to exist, the management of records and processes at this time was insufficient;
4. that ARTA records are now managed by Auckland Council; and
5. that Auckland Transport's records management processes and procedures are currently being reviewed based on this case.

I am concerned that four of the five record types Mr Jones was seeking are considered Protected Records under section 14 of the *List of Protected Records*. I understand these records are not controlled by Auckland Transport (AT) and were transferred into the control of Auckland Council since the merger in 2010.

The Records and Document Management project component of the Business Process and Systems workstream as part of the Auckland Transition Authority had developed a Service Level Agreement (SLA) to have been signed in October 2010. This SLA was intended to provide linkages to existing council information bases, historical records, and legacy systems to ensure ongoing continuity. Records providing information about the implementation of this SLA would provide some assurance that Auckland Transport is able to access records originally created by the ARTA.

In light of this, I request:

- Auckland Transport Authority provide information about the implementation of the aforementioned SLA to provide assurance that they are able to access records originally created by the ARTA.

I ask that this information be provided by Friday 8 April 2016.

I recommend

- regular records and information management training is undertaken and that it must cover the processes Auckland Transport have in place for protected records to ensure that these are well managed.

If you have any queries please contact Antony Moss, Director Government Recordkeeping (027 476 0361) at Archives New Zealand.

Yours sincerely

Marilyn Little
Chief Archivist

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| Papers prepared for Chief Archivist sign-off | | | |
|--|--|---------------------|------------|
| Title: | Action subsequent to complaint about Auckland Transport recordkeeping | | |
| Doc Type: | Compliance assessment report and Chief Archivist letter to Auckland Council | | |
| Prepared by: | Polly Martin, Manager Advice and Compliance | | |
| Peer reviewer: | Lillie Le Dorre – coordinate with related OIA response. | | |
| Objective: | 2014/5905 | DMS: | IA: |
| Due date: | | | |
| Manager sign-off | | | |
| Date: | | | |
| Signature: | | | |
| Senior Manager sign-off | | | |
| Date: | 8 September 2016 | | |
| Signature: | Antony Moss Director Government Recordkeeping  | | |
| Recommendations | | | |
| <p>The attached Compliance Assessment proposes a request for information from Auckland Council, as action subsequent to an original complaint about Auckland Transport recordkeeping from Nigel Jones. It is recommended that you sign the enclosed letter addressed to Auckland Council's Chief Executive.</p> <p>The assessment also proposes we update Mr Jones through our response to his recent OIA request.</p> | | | |
| Chief Archivist sign-off | | | |
| Approved | <input checked="" type="radio"/> Yes <input type="radio"/> No | Date: 6/9/16 | |
| Signature: |  Marilyn Little Chief Archivist, Archives New Zealand | | |
| Comments | | | |
| Return to: | Antony Moss | | |

Compliance Assessment report to Chief Archivist

Purpose

This assessment outlines action taken in response to a complaint from Nigel Jones about Auckland Transport recordkeeping and proposes a subsequent request for information from Auckland Council.

Original complaint from Nigel Jones

On 4 December 2014 Nigel Jones complained that the records he had requested regarding the 2009 public consultation about changes to some Auckland bus routes could not be located by either Auckland Transport or the Auckland Council Archives (document A). These records were created by the Auckland Regional Transport Authority (ARTA) which no longer exists. Auckland Transport now performs the functions previously performed by ARTA. All ARTA records were to be transferred to the control of Auckland Council as part of the 2010 merger of Auckland councils.

Mr Jones sought records of policy, planning or strategy involving a process of public consultation. These are Protected Records under section 14 of the *List of protected records for local authorities* and an identical provision existed in section 14 of the preceding *Local Government Schedule* (in force in 2009).

Archives New Zealand sought clarification about an aspect of Mr Jones's complaint, which was received from him promptly. Our consideration of the matter did not resume until April 2015, prompted by an update request from Mr Jones and following the resignation of the initial case officer.

Chief Archivist's jurisdiction

The Chief Archivist has the function of protecting certain local authority records [section 11(1)(d)(i)]. Audit and direction to report powers do not extend to local authorities, though inspection of local authority records is provided for by section 29.

Information requested from Auckland Transport

While unable to issue a direction to report, the Chief Archivist requested further information from Auckland Transport on 22 April 2015 (document B) to assess the extent of the issue and to inform any remedial action or need for advice to local authorities and council-controlled organisations. The table below contains the questions put to Auckland Transport in April 2015 and their responses, which were not received until December 2015.

| Question | Response |
|--|---|
| 1. The extent of the search originally undertaken in response to the original request of 22 October 2014. It is indicated that the archives of Auckland Transport and the Auckland Council were searched. It is not clear whether the search extended any further, or if there would be any merit to a further search. | <i>Auckland transport and Auckland Council have undertaken further searches. We have been able to locate some electronic records regarding the 2009 Bus Review in West Auckland from back-up tapes of a decommissioned shared drive, which was held at Auckland Transport. However, I have been unable to source the relevant physical records from ARTA's archive held by Auckland Council.</i> |
| 2. Whether Auckland Transport staff are briefed and trained around the obligation to ensure that records of the types set out in the List of Protected Records for Local Authorities or the Local Government Schedule are not disposed of without the consent of the Chief Archivist. | <i>Auckland Transport staff receives records and information management training at the start of their employment. We also regular review and communicate records and information management guidelines, which are published on Auckland Transport's intranet.</i> |
| 3. What was the cause of the loss of the records sought, and (if possible) the date or timeframe in which the records were lost. | <i>It's my conclusion from our investigations that when ARTA ceased to exist, efforts to consolidate records from individual ARTA staff and contractors had been insufficient.</i> |
| 4. If the cause of the loss of records is identified as being due to inadequate or absent policy around the retention of records of this nature, what actions Auckland Transport proposes to take or has since taken in order to ensure that Protected Records are retained and accessible. | <i>Unfortunately I am not in a position to comment on any of your queries regarding the retention of ARTA records as these are not managed by Auckland Transport.</i> <i>We are reviewing our current records management processes and procedures based on this case and will be taking measures to ensure that our records continue to be managed in accordance with the Public Records Act 2005.</i> |

Advice to complainant

Archives New Zealand understood that Mr Jones was also aware of Auckland Transport's efforts with Auckland Council to retrieve electronic records from back-up tapes (question 1 above) and had received the records. Mr Jones's OIA request to Archives New Zealand on 1 September 2016 indicates that this was not the case. It is proposed that Mr Jones receives an update, including this report and the proposed letter to Auckland Council, through our response to that OIA request.

Further assessment and proposed action

Four of the five record types Mr Jones was seeking are considered Protected Records under section 14 of the *List of Protected Records*. These records should have been retained. No evidence could be found that notification of the disposal of these records to the Chief Archivist had been made. However, they are no longer in the control of Auckland Transport and should now be in the control of Auckland Council, following the council merger in 2010.

The Records and Document Management project within the Auckland Transition Authority had developed a service level agreement (SLA) to have been signed in October 2010. This SLA was intended to provide linkages to existing council information bases, historical records, and legacy systems to ensure ongoing continuity. We are not aware of how the implementation of the SLA proceeded.

The inability of Auckland Council to retrieve the records requested by Mr Jones could indicate that these records have been disposed of without providing notification to the Chief Archivist or that they are poorly managed and cannot be retrieved. However, since Auckland Transport has already recovered some of the information sought by Mr Jones, a narrow focus on these records alone is unlikely to be of great benefit. Instead, asking wider questions about the management of Auckland local authority records since the merger of 2010 is proposed.

As noted above, the direction to report power does not apply to local authorities. Archives New Zealand generally has lower levels of information about recordkeeping in local authorities than in central government (in part because the audit mandate does not extend to local authorities). Asking further questions of Auckland Council could, however, help to clarify the confidence Archives New Zealand can have in the integrity of Auckland's local authority records. The questions can be considered part of the Chief Archivist function of monitoring and reporting on local authority compliance with the PRA.

The proposed questions are general and designed to provide an initial picture of Auckland Council's approach to the management of its predecessor organisations. The responses from Auckland Council may inform further work.

Recommendations

It is therefore recommended that a request be made to Auckland Council for:

- an outline of how the service level agreement and other measures to ensure continuity of records and information were implemented at the establishment of the Auckland Council;
- an outline of the procedures and processes that are in place to ensure the maintenance and accessibility of records created by predecessor councils and organisations; and
- any information about identified deficiencies in those procedures and processes, and plans to address the deficiencies.

Approved: Yes No

Date: 8/9/16

Signature:



Marilyn Little

Chief Archivist, Archives New Zealand



9 September 2016

Stephen Town
Chief Executive
Auckland Council
Stephen.town@aucklandcouncil.govt.nz

Dear Mr Town

Archives New Zealand received a complaint in late 2014 about Auckland Transport's inability to locate information regarding proposed changes to the North-West Auckland Western bus route consultation instigated in 2009.

These records were created by Auckland Regional Transport Authority (ARTA). Most of the information is considered protected under section 14 of the List of Protected Records issued under the Public Records Act 2005.

In response to my questions, Auckland Transport, working with Auckland Council, recovered some of the records from back-up tapes but could not source the physical records from the Auckland Council's holdings of ARTA records. My letter to Auckland Transport of 22 April 2015 and their response of 15 December 2015 are attached for your information.

I understand that ARTA records have been in the control of Auckland Council since the council merger in 2010. I understand that, as part of the transition process, a service level agreement was developed between Auckland Council and Auckland Transport. This was intended to provide linkages to predecessor council information, historical records, and legacy systems to ensure continuity.

I am concerned at the apparent difficulty in obtaining ARTA records from 2009. I am therefore requesting information from Auckland Council so I can be assured that Auckland Council is maintaining records from before the Council's 2010 establishment in line with the requirements of the Public Records Act. I would be grateful if you would provide me with:

- an outline of how the service level agreement and other measures to ensure continuity of records and information were implemented at the establishment of the Auckland Council;
- an outline of the procedures and resources that Auckland Council has in place to ensure the maintenance and accessibility of records created by predecessor councils and organisations; and
- any information about identified deficiencies in those procedures and resources, and plans to address the deficiencies.

I would be grateful to receive a response to this request by 14 October 2016. If you or your staff have any queries please contact Antony Moss, Director Government Recordkeeping (04 496 1392, 027 476 0361, antony.moss@dia.govt.nz) at Archives New Zealand.

Yours sincerely

A handwritten signature in black ink, appearing to be 'ML', enclosed within a large, loopy oval shape.

Marilyn Little
Chief Archivist

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