



## Archives New Zealand Government Loans Service National Policy

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Policy Owner:	Group Manager, Access and Regional Services
Sections of PRA:	s 24

### 1. Purpose

The purpose of this policy is to ensure that Archives New Zealand staff and the staff of public offices using the Government Loans Service are aware of their respective responsibilities under s 24 of Public Records Act 2005, relating to the temporary return of public archives to a controlling public office.

### 2. Scope

This policy applies to Archives New Zealand staff and to the staff of public offices requesting the temporary return of public archives through the Government Loans Service.

### 3. Policy Principles

The guiding principles of this policy are that public archives are:

- 3.1 Made accessible to public offices when required for administrative use
- 3.2 Protected and available to meet the needs of current and future users

### 4. Policy Objectives

The objectives of this policy are to make clear:

- 4.1 The circumstances in which the controlling public office (or a successor to the controlling public office) can request the temporary return of a public archive
- 4.2 The circumstances in which a third party (a public office which is not the controlling or a successor public office) can request the temporary return of a public archive

4.3 The conditions imposed by Archives New Zealand to ensure the safe custody and preservation of a public archive during the time that it is in the possession of the public office

4.4 The sanctions applied if a public office breaches the conditions imposed by Archives New Zealand

4.5 Archives New Zealand's responsibilities in facilitating the Government Loans Service process

These objectives contribute to Archives New Zealand's Outcomes as listed in The Statement of Intent as follows:

Outcome Two: Archives are well managed

Outcome Three: Archives are well used and accessible

Careful management of the lending of public archives to public offices ensures archives are made accessible to public offices and are at the same time protected and available to meet the needs of both current and future users.

## 5. Policy Statements

The Government Loans Service operates within the following legislative framework.

S 24 of the Public Records Act 2005 states:

### **Temporary return of public archives to controlling public office**

If the administrative head of a controlling public office satisfies the Chief Archivist that the public archive is required for administrative use, the Chief Archivist—

- (a) must return the public archive to the possession of that public office for an agreed period of time; and
- (b) may impose conditions to ensure the safe custody and preservation of the public archive during the time that it is in the possession of the public office.

S 4 of the Public Records Act defines the following terms:

### **Controlling public office**

- (a) means...
  - (ii) in relation to a public archive, the public office that has power to determine conditions of access to the public archive; and
- (b) includes any successor to that public office

**Public archive** means a public record that is under the control of the Chief Archivist

**Administrative use** is defined by Archives New Zealand Legal Counsel as any use reasonably within the functions of the public office, or connected with the affairs of the public office.

The following policy statements are based on this legislative framework:

**5.1 Archives New Zealand will temporarily return a public archive to the controlling public office (or its successor) if:**

5.1.1 The administrative head (or the staff member to whom this role has been delegated) of the controlling public office (or its successor) satisfies the Chief Archivist (or the Archives New Zealand staff member to whom this role has been delegated) that the public archive is required for administrative use, as defined by Archives New Zealand

Examples of administrative use include:

- Current operational functions
- Litigation purposes
- Ministerial requests
- Official Information Act requests
- Review following a request to access a restricted item

5.1.2 The administrative head (or the staff member to whom this role has been delegated) of the successor public office specifies how that office is a successor to the controlling public office

**5.2 Archives New Zealand will temporarily return a public archive to a third party (a public office which is not the controlling or a successor public office) if:**

5.2.1 The third party has first obtained the written permission of the controlling public office

5.2.2 The third party also satisfies the Chief Archivist (or the Archives New Zealand staff member to whom this role has been delegated) that the public archive is required for administrative use, as defined by Archives New Zealand

Note: Archives cannot generally be loaned to non-public offices (for example, Private companies, including former public offices)

**5.3 Archives New Zealand will impose the following conditions to ensure the safe custody and preservation of a public archive during the time that it is in the possession of the public office:**

- 5.3.1 A public office must be registered as a Government Loans Client in order to request archives
- 5.3.2 A Government Loans Client must provide Archives New Zealand with a list of staff authorised to request archives
- 5.3.3 Requesting staff must be authorised by the administrative head (or the staff member to whom this role has been delegated) of a public office
- 5.3.4 Only authorised staff of a Government Loans Client can request public archives
- 5.3.5 A Government Loans Client must supply sufficient detail (as determined by Archives New Zealand) to facilitate a request
- 5.3.6 A Government Loan is dependent on the physical condition of the archive and this is assessed by Archives New Zealand staff on a case-by-case basis
- 5.3.7 If an archive cannot be loaned because of its physical condition, it may be copied by Archives New Zealand staff or viewed at an Archives New Zealand office
- 5.3.8 An archive may be sent between Archives New Zealand offices for viewing if it cannot be loaned because of physical condition
- 5.3.9 Requests from Government Loans Clients outside the lending Archive New Zealand office's region will be assessed on a case-by-case basis
- 5.3.10 Archives New Zealand staff will decide on a case-by-case basis if whole boxes can be loaned
- 5.3.11 A Government Loans Client is responsible for the security of the archives loaned from collection and to return
- 5.3.12 A Government Loans Client is responsible for ensuring the archives are returned in the same physical condition in which they were received
- 5.3.13 Archives will be packaged in a secure bag or box and must be returned in the packaging provided
- 5.3.14 The initial loan period is three months, unless otherwise agreed between Archives New Zealand and the Government Loans Client
- 5.3.15 Loans can be extended beyond the initial loan period for another three months, if agreement is made before the loan period ends
- 5.3.16 A Government Loans Client is responsible for having systems and processes in place to ensure that a loan is returned to Archives New Zealand

after the initial three-month period or arrangements are made for the loan to be extended

5.3.17 Where Archives New Zealand extends the loan period, it will carry out an inspection of the archives before allowing the extension

5.3.18 Special arrangements can be made for long-term loans

5.3.19 Items on long-term loan will be inspected by Archives New Zealand staff every six months

5.3.20 Archives New Zealand offices will conduct regular checks in order to establish the whereabouts and condition of all archives on loan for more than three months without an extension

5.3.21 A Government Loans Client must follow any directions given by Archives New Zealand staff as to the care and safe handling of archives on loan

5.3.22 A Government Loans Client that borrows an archive and then provides access to a third party remains responsible for the safe return of the archive and for any related overdue or inspection charges

5.3.23 Archives New Zealand may request the return of a loan at any time if required for access by another user

**5.4 Archives New Zealand will apply the following sanctions if a public office breaches the conditions imposed to ensure the safe custody and preservation of the public archive:**

5.4.1 Charges will apply for overdue loans

A Government Loan will be deemed overdue if:

- The loan has not been returned at the end of the agreed loan period
- An extension has not been arranged
- A request to inspect the condition of a loan has not been responded to

5.4.2 Charges will apply for damage that occurs while an archive is on loan

5.4.3 A Government Loans Client in breach of loan conditions will have its borrowing privileges reduced or will be suspended from the Government Loans Service pending a meeting with the Client's Records Manager (or staff member to whom this role has been delegated)

**5.5 Archives New Zealand’s responsibilities in facilitating the Government Loans Service process are:**

5.5.1 Archives New Zealand staff will supply as required, lists of archives the public office has transferred, in order to facilitate requests

5.5.2 Archives New Zealand staff will provide public offices with information about the Government Loans Service

5.5.3 The Government Loans Service will process up to 10 archives per Government Loans Client authorised contact every three-working days without charge

5.5.4 Urgent requests will be fulfilled as time and staffing permits - charges will apply for urgent requests

5.5.5 Archives New Zealand will undertake research if a Government Loans Client cannot supply sufficient detail (as required by Archives New Zealand) to facilitate a request - charges will apply for research

**6. Reference for Procedures**

See Government Loans Service Client Procedures (A359499)

**7. Related Policies**

See Government Loans Service Information for Clients (A380188 or the website)

Government Loans charges (A380191)

**8. Internal Responsibilities under this Policy**

Returning public archives to the possession of controlling (or successor) public offices when satisfied the archives are required for administrative use	Regional and Access Services
Imposing and monitoring conditions to ensure the safe custody and preservation of public archives during the time they are in the possession of public offices	Regional and Access Services

**9. Measures as to how the Policy Achieves the Objectives**

- 9.1 Government Loans Client orders are processed at the rate of up to 10 archives every three-working days
- 9.2 Urgent requests are fulfilled within 24 hours
- 9.3 No overdues over 3 months
- 9.4 100% of loans are returned

**10. Updating and Reviewing the Policy**

This policy can be reviewed or updated at any time but in any case no later than six months after it has been in operation and every year thereafter.

**11. Delegation**

The Chief Archivist has delegated responsibilities under s 24 of the Public Records Act 2005 to the Group Manager, Regional and Access Services and the Regional Archivists.

(Refer to the Public Records Act 2005 delegations within Archives New Zealand's Delegations Document, Objective ref: 2003/4749)

**12. Policy Signoff**

<b>Name Manager, Business Unit</b>	/ /200
<b>Name Manager, Group</b>	/ /200
<b>Name Manager, Policy and Planning</b>	/ /200
<b>SMG Approval</b>	/ /200
<b>Date Entered into Policy and Planning Database</b>	/ /200