

Explanatory notes for retaining digitised public records in electronic form only



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1. Introduction

Under the [Electronic Transactions Act](#) (ETA) a legal requirement to retain information can be met by retaining the information in electronic form only.

Digitisation is a method of converting information from an original (often paper, but including other non-electronic formats) source to an electronic form.

Under the ETA the digitised (electronic) form may be retained in place of the source, providing that the electronic form is functionally equivalent to the original source record and there is no legal requirement to retain the original.

If the information is a public record, the Chief Archivist must approve to retain in electronic form. The Chief Archivist has, therefore, issued the [Authority to retain digitised public records in electronic form only](#) (referred to as the *Authority* in this document.)

Providing that the Chief Archivist has approved retention in electronic form, the electronic form of the record is functionally equivalent to the source form, and there is no legal requirement to retain the source form of the record, public offices may then choose to destroy the source record with certain exceptions.

Public offices do not require authorisation under the [Public Records Act 2005](#) (PRA) to destroy the source form of the public record following a digitisation action. The electronic form of the public record will require authorisation for disposal under the PRA.

2. Purpose

These Notes supplement the *Authority* and ideally they should be read together. These Notes explain the following:

- The ETA relevant to digitisation
- The role of the Chief Archivist relevant to digitisation
- Why the *Authority* is an approval of retention under the ETA and not a disposal authority under the PRA.
- The ETA requirements for functional equivalence.
- What the Chief Archivist's expert advice on functional equivalence is, including the role of [AS/NZS ISO 13028: 2012 Information and documentation – Implementation guidelines for digitization of records](#) as the standard for digitisation.
- Detailed explanations regarding exclusions from the scope of the *Authority*.
- How to apply to the Chief Archivist for consideration to retain records in electronic form that are excluded from the *Authority*.
- How to manage the disposal of the original source form of digitised records.

3. Who should read these Notes

These Notes should be read by:

- Staff in public offices responsible for authorising and controlling the retention and disposal of public records.
- Owners of digitisation-enabled business processes or business owners of digitisation and digitisation projects.
- Risk assurance and compliance managers.
- Legal counsel and advisors.

4. Decision-making workflow for disposing of the source record

1. Has the Chief Archivist approved retention in electronic form (see the [Authority](#))?
 - Yes → go to 2
 - No → apply to the Chief Archivist (**unless** 2 applies)
2. Is there a legal requirement that cannot be met electronically?
 - Yes → retain the source record
 - No → go to 3
3. Are the digitised records functionally equivalent?
 - Yes → digitised in accordance with [AS/NZS ISO 13028: 2012](#)
 - No → retain the source record
4. Are there other risks of retaining digitised records in electronic form and destroying the source form of the record?
 - Yes → the risk is unacceptable → retain the source record
 - No → the risk is acceptable → go to 5
5. Destroy the source record
 - Authorise and document disposal of the source paper in accordance with the Disposal Standard

5. Digitisation toolkit – related documents

These Notes are part of the Archives New Zealand digitisation toolkit, which includes the following related documents:

Title	Type	Coverage	Mandate
AS/NZS ISO 13028:2012 Information and documentation – Implementation guidelines for digitization of records	Standard (discretionary)	Public offices and local authorities	Public Records Act 2005
Authority to retain digitised public records in electronic form only	Legal instrument	Public offices <i>(informative for local authorities)</i>	Electronic Transactions Act 2002
Explanatory notes for retaining digitised local authority records in electronic form only	Guide	Local authorities	
Technical specifications for digitisation	Technical specifications	Public offices and local authorities	
Checklist: Destruction of source records after digitisation	Checklist	Public offices and local authorities	

6. Overview of the ETA relevant to digitisation

Electronic Transactions Act 2002

The purpose of the ETA is to facilitate the use of electronic technology, including the ability to retain information in electronic form only, unless there is another legal requirement to retain the original record.

The relevant section of the Act is quoted below:

25 Legal requirement to retain document or information that is in paper or other non-electronic form

- (1) A legal requirement to retain information that is in paper or other non-electronic form is met by retaining an electronic form of the information if—
 - the electronic form provides a reliable means of assuring the maintenance of the integrity of the information; and
 - the information is readily accessible so as to be usable for subsequent reference.
- (2) Subsection (1) applies to information that is a public record within the meaning of the [Public Records Act](#) only if the Chief Archivist has approved the retention of that information in electronic form.
- (3) To avoid doubt, if information is retained in electronic form in accordance with subsection (1), the paper or other non-electronic form of that information need not be retained.

Legal requirement to retain

The provisions in Section 25 apply, with some exceptions (explained below), to every kind or class of information that must legally be retained.

The PRA permits disposal of public records only with the authorisation of the Chief Archivist. Section 18 of the Act constitutes a legal requirement to retain:

18 Authority required to dispose of public records and protected records

- (1) No person may dispose of, or authorise the disposal of, public records...except with the authority of the Chief Archivist...

The Chief Archivist issues disposal authorities to enable public offices to lawfully dispose of records under the PRA.

There are also many statutes and regulations besides the PRA that require the retention of records. Some also prescribe the retention periods for those records. The legal requirements to retain records can apply equally to those created and received by either private or public organisations.

Retention in electronic form only

The ETA states that a legal requirement to retain a record can be met by retaining an electronic form of the record:

- If the electronic form is functionally equivalent to the original form of the record.
- There are no other legal requirements to retain the original form of the record.

The ETA does not compel organisations to retain information in electronic form only. This should only be done:

- Where there are clear benefits in doing so.
- Where the requirements of s25 (1) for functional equivalence are satisfied.
- Where other risks of retention in electronic form only have been identified and assessed, mitigations are in place, and the residual risk is acceptable to the organisation.

The Chief Archivist's role under the ETA

The Chief Archivist has a specific role under the ETA to approve the retention of digitised public records in electronic form only:

S25 (2) Subsection (1) applies to information that is a public record within the meaning of the Public Records Act only if the Chief Archivist has approved the retention of that information in electronic form.

Section 25 (2) of the ETA provides the mandate for the *Authority*. It is also the reason why the authority is an authority that approves retention of the digitised form of public records.

The Chief Archivist also has a more generalised role under the ETA to provide expert advice to public offices on how to create and maintain functionally equivalent digitised forms of public records.

Under [Section 27 of the PRA](#), the Chief Archivist is the statutory provider of records management advice to public offices. Accordingly, the Chief Archivist has issued the [Digitisation Standard AS/NZS ISO 13028: 2012 Information and documentation – Implementation guidelines for digitization of records](#).

Approval to dispose of the source not required

The *Authority* approves the retention of the digitised form of public records that were originally in paper or other non-electronic form. If the Chief Archivist has approved the retention of a public record in electronic form, and that form is functionally equivalent to the source record the legal obligation to retain the source record ceases. A public office will be acting legally if, at this point, it decides to destroy the source record.

The approval to retain is issued by the Chief Archivist under the ETA. It is a different kind of approval from an approval to dispose issued under the PRA.

The Chief Archivist is approving retention of the digitised form of the source record in the knowledge and expectation that public offices will destroy the relevant source records after digitisation.

The destruction of the source record after digitisation is a 'disposal', as defined in the PRA. Disposal of public records usually needs to be authorised by the Chief Archivist. The ETA, however, relinquishes - in the case of digitisation only - the requirement for the disposal of source records which is authorised under the PRA. This is because [Section 25 of the ETA](#) deems the public office to have met its obligation to retain a record by retaining it in electronic form.

The Chief Archivist approves the retention of the electronic records in the knowledge that the source record may be destroyed. In a legal sense, though, this is not an approval of the disposal of those records.

This is because the provisions of the ETA, when fully satisfied, release the original form of records from the legal retention requirements attached to them. The PRA requirement not to dispose without the approval of the Chief Archivist is also a legal requirement to retain. The ETA applies and discharges it like any other legal requirement to retain.

A helpful way to think about this process is as follows: if the Chief Archivist has approved retention under the ETA, then the disposal of the source records is also approved, in that it is expected that disposal will

take place. But, the Chief Archivist is not formally 'approving' disposal of the source record as a requirement of the PRA.

Since the Chief Archivist is not approving disposal of the source records in a legal sense under the PRA, there is no need for a public office to seek the explicit approval to dispose of the source records that have been digitised, apart from the exclusions specified in the *Authority*. The Chief Archivist's approval to retain information in electronic form (the *Authority*) is the only permission needed for the public office to destroy the original form of the record.

Despite the Chief Archivist's approval, if the public office has doubts that it can meet the digitisation requirements at the time of digitisation, and the additional requirements for functional equivalence, the prudent action is to retain the original source form of the record.

The disposal of the digitised form of public records continues to need to be authorised by the Chief Archivist under the PRA.

Functional equivalence

Functional equivalence means that the digitised form of a record is able to 'do the job' of the original source record.

The requirements for functional equivalence are outlined in [s25\(1\) of the ETA](#) where it is indicated that the records concerned must:

- Give a reliable assurance of the maintenance of the integrity of the information; and
- Be readily accessible and usable in the future.

'Integrity' and 'usability' are also recordkeeping terms used in the International Standard on Recordkeeping [ISO 15489-1: 2001: Information and documentation – Records management. Part 1: General.](#)"

- *Integrity* – the record is complete, unaltered, and protected against any unauthorised changes. This characteristic is defined as 'inviolability.'
- *Usability* – the record can be located, retrieved, preserved, and interpreted.

Standard for digitisation

The ETA does not specify how to achieve functional equivalence. The ETA is intentionally neutral regarding the technology and processes required to produce and maintain functionally equivalent records.

The Chief Archivist has a view on the requirements for functional equivalence and has adopted [AS/NZS ISO 13028: 2012 Information and documentation—Implementation guidelines for digitization of records as a PRA Digitisation Standard. Standard AS/NZS ISO 13028: 2012 is identical to ISO/TR 13028: 2010](#) as the standard for digitisation.

In 2012, Standards Australia and Standards New Zealand adopted ISO/TR 13028:2010, Information and documentation – Implementation guidelines for digitisation of records as a joint standard, hence, AS/NZS ISO 13028:2012. ISO/TR 13028:2010 was itself based on Archives New Zealand's former Digitisation Standard S6. Archives New Zealand has purchased a license which makes AS/NZS ISO 13028:2012 available for public sector organisations through the Standards New Zealand website. [Please follow the instructions on our website to access the Standard.](#)

AS/NZS ISO 13028: 2012 is the Chief Archivist's expert advice to public offices on how to create and maintain functionally equivalent digitised records.

The Chief Archivist cannot, however, assert or guarantee that digitising in accordance with AS/NZS ISO 13028:2012 enables a public office to comply with s25(1) of the ETA.

In the Chief Archivist's view, digitising in accordance with AS/NZS ISO 13028: 2012 reduces significantly a public office risk of non-compliance with s25(1) of the ETA. It is strongly recommended that public offices use this standard if they are planning and implementing digitisation capable of producing digitised records that meet the requirements of the ETA.

How do I assure the maintenance of the integrity of the information?

Section 17 of the ETA states:

When integrity of information maintained

- For the purposes of this Part, the integrity of information is maintained only if the information has remained complete and unaltered, other than the addition of any endorsement, or any immaterial change, that arises in the normal course of communication, storage, or display.

The requirement to be “complete and unaltered” means that:

- The originality of the source is preserved. The digitisation needs to produce a faithful image of the record in the form that it was at the time of digitising. There should only be an acceptable range of alterations or enhancements to improve legibility or usability.
- The integrity of information is retained post-digitisation.

*The requirement to be “**complete**” means that the digitisation process:*

- Successfully digitises all the records within the range or aggregation that has been selected and presented for digitisation.
- Fully and accurately reproduces the essential information carried in the source. This means that:
 - Images are legible at a required level of detail. Consider what is the faintest element that needs to be legible?
 - All annotations, attachments and enclosures are captured.
 - Pages should be un-cropped and not skewed.
 - Colour is reproduced to the required extent. For instance, handwritten coloured annotations and maps marked with colour are essential information; although a coloured logo, letterhead or invoice may be less important.)
 - Image optimisation is at an acceptable level – only include essential enhancements that would distinctly render otherwise indistinct or faded elements in the source.

Quality assurance is an important part of this process. This means verifying that the quality (specified in quality controls and technical specifications) has been achieved and corrective action is taken where it is not. Issues to consider are the:

- Verification of visual integrity, including comparisons between the source and the digitised images.
- Verification that all documents have been captured, including those within a batch, within a file, or within an aggregation or class.
- Short-term retention of the source material in case re-scanning is required due to faults in the original scanning.
- Regular testing of scanners, including routine use of scanning targets to verify configuration settings and recalibration as required.

*The requirement to be “**unaltered**” means that:*

- The system in which the digitised records are captured, stored, and managed has adequate security and access controls to ensure the records remain inviolate (tamper-proof.)
 - Records can only be changed by users with appropriate privileges, and the changes must be logged. It is often presumed that image file formats are unalterable, compared with, for instance, word-processed documents. Images can, however, be altered with image editing software and, in some cases, there are valid reasons for this. The

important consideration is that these interventions do not alter, obscure, or delete any of the original information.

- Records can only be disposed of (including destruction) by authorised users with the appropriate system privileges. Disposal actions must be authorised and documented.
- A requirement for unalterable images can be met by creating and maintaining an inviolable Preservation Master. Derivative files can then be made from the masters. Any authorised adjustments are then performed on the derivatives.
- There are per record event histories or global audit trails, which log the usage of the record (create, read, update or edit, delete, dispose, etc), to the extent required. This metadata helps attest to the authenticity and reliability of the record and must be maintained for at least the same period as the image itself is retained.

Acceptable “**endorsements or immaterial changes**” arising in the normal course or communication, storage, or display include:

- Image optimisation or enhancements to improve legibility and quality.
- The creation or addition of metadata, including:
 - Descriptive and contextual metadata (recordkeeping metadata.)
 - Administrative or process metadata accrued during use of the digitised records (or the logging of auditable events.)
 - Technical metadata contained in the file which documents the particulars of the digitisation, including capture device, software, and operator.)
- Content indexing, such as optical character recognition (OCR) that enables full-text searches of image content.
- Electronic stamps, annotations, mark-up, or redaction. These are alterations (endorsements) to the record, although providing that it is readily apparent that these do not permanently or irreversibly obscure the original information, they are immaterial.
- Image manipulation, measuring, plotting, overlays, and similar functions in image viewers. This is a function of the viewing software that will not alter the underlying image.

Alterations that are not disposal

Altering a public record is a type of disposal under the PRA.

The alterations described in the previous section would not qualify as an “alteration” as a disposal action under the PRA.

An alteration, however, that caused a loss of information, either at the time of digitisation or subsequently, could constitute a form of disposal under the PRA. If this kind of disposal was unauthorised by the Chief Archivist it would also be illegal. Under the PRA the alteration of any record as a specific disposal action has to be approved by the Chief Archivist.

Useable for subsequent reference – what does this mean?

This requirement is similar to s17 in the PRA.

17 Requirement to create and maintain records

(2) Every public office must maintain in an accessible form, so as to be able to be used for subsequent reference, all public records that are in its control, until their disposal is authorised by or under this Act or required by or under another Act.

Digitisation software, technical specifications (especially file formats), and infrastructure used to create, store, render, and manage digitised records may significantly affect the usability of digitised records.

Useable means that digital records should be:

- Displayable in image viewers in subsequent generations of software, or in different software. The degree of visual integrity and fidelity may be variable, for example, multi-format document viewers may not render an image exactly like a dedicated viewer. It may be acceptable to lose some minor functionality (for example, formatting) but there should be no critical loss of information during rendering.
- Locatable and retrievable. Adequate, persistent and searchable descriptive metadata should be present in order to retrieve the records.
 - Both files and the accompanying metadata should be bound and managed in a relational database that underlies a business system. The related images should be stored in the same system. When images are retrieved, the metadata should automatically be retrieved with the request. In exactly the same manner, the retrieval of metadata should also be accompanied with the relevant image.
- Stored and managed in systems that are designated as approved, corporate repositories or information systems (including line-of-business applications; EDRMS, ECMS, or other content management systems; or shared drives.)
 - The system is operated and administered by skilled staff. Only authorised staff can dispose of records (including deletion.)
 - The system has been tested and proven to be reliable over several years or versions of software. The system logs activity to the detail required.
 - Provisioning of adequate storage for images and related metadata or data, in conjunction with the reliable operation of data protection (including backup and disaster recovery), consistent with normal, prudent IT practice.
 - Migrated to later versions of the initial capturing system and managed or imported into new systems. Migration should include the electronic file and related metadata or data.

Risk of non-compliance

The Chief Archivist cannot unequivocally assert that digitising in accordance with AS/NZS 13028 guarantees compliance with [s25\(1\) of the ETA](#), although digitising under this standard meets the Chief Archivist's requirements as a regulator under the Act.

The Chief Archivist has an important decision-making role under the ETA by approving retention of digitised public records in electronic form. Public offices who implement AS/NZS ISO 13028:2012 will meet the Chief Archivist's interpretation of – and requirements for – functional equivalence.

In many cases the only legal requirement to retain records is the PRA. It may be usual or prudent to retain records for business reasons, but there is no other legal requirement to retain them.

For some records there are also other non-PRA legal requirements to retain records. Regulators of those requirements, or other parties with a role or interest in the ETA may have similar – or different – requirements for functional equivalence.

Although it should have significance for other parties, the Chief Archivist's expert opinion is only an opinion. The ETA assigns no special status to this opinion, and at this stage it has not been either endorsed or challenged by either the courts or other parties with a vested interest in the ETA.

The courts could have taken a view of functional equivalence in instances where the evidentiary value of digitised records is questioned. To the best of the Chief Archivist's knowledge, however, there is no relevant precedent that clarifies the legal test for functional equivalence.

In reality, the risk of public office non-compliance with s25(1) of the ETA is small if the office has implemented AS/NZS ISO 13028 and other requirements from relevant Archives New Zealand standards.

Requirement to print digitised records

[Section 16 of the ETA](#) does not require anyone to use, provide, or accept information in electronic form without their consent.

There is, therefore, an ongoing obligation for public offices to be able to print digitised records and provide them to anyone who requests the records in that form.

The printed form of a digitised record must also maintain the integrity of the information. Public offices will need to assess their ability to print digitised records.

General Disposal Authority 5 (GDA5) was issued in 2007 and revoked in 2013. It has been replaced by the [Authority to Retain Digitised Public Records in Electronic Form Only](#) (*Authority*.)

7. Differences between the *Authority* and General Disposal Authority 5

The *Authority* is not a disposal authority for either the source or the digitised form of records. The *Authority* is a “retention authority.”

Unlike GDA5, the *Authority* covers records created longer than five years ago and back-scanning projects. Records digitised using the *Authority* no longer require a Certificate of Compliance. During the review of the digitisation framework, Archives New Zealand recognised that obtaining a Certificate of Compliance placed extra administrative effort on public offices for very little business benefit. As a result the requirement to have a certificate signed by the administrative head of an organisation has been removed. Organisations should still ensure they have appropriately assessed any risks associated with the digitisation process. Any risks should be approved as accepted at an appropriate level within the organisation.

The *Authority* does not invalidate any disposal of source records previously carried out using GDA5.

Public offices who have started a digitisation project before the issue of the *Authority*, but did not apply to the Chief Archivist for approval to dispose of the source records excluded from GDA5, should now apply to the Chief Archivist for authorisation.

8. Scope of the authority to retain digitised public records in electronic form only

The Chief Archivist supports digitisation of public records as a means of:

- Improving the efficiency of business processes.
- Improving the delivery of services to the public and meeting public expectation of conducting business electronically.
- Improving access to, and the reusability of, information contained in public records.
- Providing transition from a paper-based or hybrid recordkeeping environment to an electronic recordkeeping environment.

The *Authority* is therefore intended to reduce the burden on public offices by pre-approving retention of public records in electronic form.

Public offices can then decide for themselves whether to destroy the original form of the record that has been digitised.

The Chief Archivist must also be satisfied that the approval to retain digitised public records in electronic form only is consistent with the purposes in [Section 3 of the PRA](#). For this reason, some public records are excluded from the *Authority*, but applications to the Chief Archivist to retain these records in electronic form only can still be made.

Digitised records approved for retention

Records digitised in business process digitisation are approved for retention in electronic form only unless:

- The records are otherwise excluded by the Chief Archivist.
- There is a legal requirement to retain records in their source record (these are excluded from the scope of the ETA)

Exclusions from the Authority

There are two categories of exclusions:

- The Chief Archivist's exclusions.
- Exclusions from the scope of the ETA.

The Chief Archivist's exclusions

The Chief Archivist has excluded some public records from the *Authority*.

- Records not digitised in accordance with the relevant requirements of AS/NZS ISO 13028:2012.
- Records that may not be able to fulfil their function in electronic form.
- Records with intrinsic or cultural value, including records of high value to Māori.
- Unique or rare records, or records with significant monetary value.
- All records created prior to 1946.
- Audio-visual and microfilmed records.

- Records required to be retained in their original, non-electronic form, that is, records excluded from s25 of the ETA by [s14\(2\)](#) of the [Schedule to that Act](#), or any other enactment.

Public offices can digitise these records but must retain the source record until the Chief Archivist has explicitly authorised that record's retention in electronic form only.

Public offices can apply to the Chief Archivist for consideration to retain in electronic form only.

There are two reasons for the Chief Archivist's exclusions:

(1) Digitisation may not be able to produce a functionally equivalent electronic form of the source record because either:

- Information in the source may not be fully and accurately captured during digitisation. It may then not fully and accurately render or display in electronic form.
- The digitisation process is not capable of producing functionally equivalent records.

(2) It may not be desirable for public records to be retained in electronic form only, even if digitisation produces a functionally equivalent form of the source.

With regard to (2), although the Chief Archivist approves retention under the ETA, the purpose of the PRA must also be served.

One purpose is to preserve and make accessible records "relevant to the historical and cultural heritage of New Zealand and to New Zealander's sense of their national identity" (s3(f), PRA.) In deciding which records are approved for retention in electronic form only, it is appropriate that the Chief Archivist consider whether this purpose is being furthered or not.

The public records excluded by the Chief Archivist from the *Authority* fall into one or more of the following categories:

- Uniqueness, rarity, or significant monetary value of the record in the original source record.
- Intangible, talismanic, iconic, symbolic, or aesthetic qualities and attributes, additional to the records informational content, such as the provenance and context of the record (examples include constituent documents like: charters; awards; grants; and records associated with significant persons, events, or places.)
- Where a risk to functional equivalence is apparent. This is where essential information regarding the source record content and context may not be fully and accurately captured during digitisation. It then may not be satisfactorily rendered and displayed in electronic form. Examples could be records with seals, watermarks, overlays, or annotations.

Records excluded from the ETA

There are legal requirements, set out in the Schedule to the ETA, which state that some record conditions cannot be met electronically. In other words, the information must be retained in the original record.

These are not the Chief Archivist's exclusions. The Chief Archivist, therefore, cannot discharge a legal requirement to retain this information by approving its retention in electronic form only.

Records excluded from the ETA may be covered by the *Authority*, but the *Authority*, however, does not overrule any legal requirement to retain records in their original form.

Public offices may digitise records excluded from the ETA, but the source record must be kept until the legal requirement to retain in the original is revoked or expires.

The onus is on each public office to determine any requirement to retain the original record.

Public offices must check the most recent version of the [ETA Schedule](#), obtain legal advice, or contact the agency or regulator who administers any exclusion.

The exclusions to the ETA may change. Presumably, the intent is to reduce the number of exclusions over time. Public offices should regularly check for any exclusion that has been added or removed that may apply to their records.

Public offices applying to the Chief Archivist must exclude any records required to be retained in their original form.

The Chief Archivist will not be responsible in cases where public offices have digitised and then destroyed the source record where there is a legal requirement to retain that record.

9. Applications to the Chief Archivist

Scope of applications

Public offices can apply to the Chief Archivist for consideration to retain records in electronic form that have been excluded from the scope of the *Authority*.

Ideally, public offices should determine whether records they intend to digitise are excluded from the *Authority* and apply to the Chief Archivist before they start digitising.

An unanticipated requirement to retain the source records could:

- Increase the cost of digitisation – if it eventuates that the source must be retained there will be a cost in integrating the digitised versions into the original records or recordkeeping system.
- Incur ongoing management and storage costs regarding the source which now cannot be disposed of.
- Incur ongoing costs for managing and storing the electronic and original source record until disposal is authorised under the PRA.

10. Application process

Form of application

Applications to the Chief Archivist must be made on the template provided in Appendix 1.

Applications on other forms will not be accepted.

Please send completed applications to rkadvice@dia.govt.nz

What the Chief Archivist considers

The Chief Archivist will consider the following factors:

- Can the source record be successfully converted into a functionally equivalent electronic form?
- Is the digitisation process capable of producing functionally equivalent records?
- Are there any compelling historical, cultural or similar reasons to retain the original form of the record?

Chief Archivist's approval

The Chief Archivist will give approval unless there are good reasons not to.

Once the Chief Archivist approves an application, a specific retention authority to approve retention of the records in electronic form only will be issued. The source record can then be destroyed.

It is important to note that the Chief Archivist's approval is not a certificate of compliance with [s25\(1\) of the ETA](#).

Declined applications

If the Chief Archivist declines an application, the source record must be retained and disposed of in accordance with a valid, approved disposal authority.

11. Disposal of digitised and digital records

The disposal of public records, whether physical or electronic (including digitised), must be authorised by the Chief Archivist by means of a disposal authority. Disposal authorities are of the following types:

- An agency-specific disposal authority covering core business records.
- A general disposal authority covering common corporate services and housekeeping records.
- A sector-specific general disposal authority, for example District Health Boards and the tertiary sector.

When to contact Archives New Zealand regarding the disposal of records in digitisation

Case	Action
The records (non-electronic or electronic) are not covered by a disposal authority. In this case, the digitised form will also not be covered (see Records without disposal coverage below).	Contact the Disposal and Acquisition section at Archives New Zealand to initiate the process.
The records are covered by a current disposal authority, but it is for non-electronic records only.	Investigate whether the disposal authority can be amended to also cover records in electronic form. Ascertain whether a new disposal authority is required. In either case, contact the Disposal and Acquisition section at Archives New Zealand to initiate the process.

Records without disposal coverage

Records that have been digitised, but which are not covered by a disposal authority, may have been approved for retention in electronic form under the Authority.

In other words, public offices are able to destroy the eligible source record after digitisation where the Chief Archivist has approved retention in electronic form, even if they are not covered by a disposal authority.

Public offices cannot, however, later dispose of the digitised form if the records are not covered by a disposal authority.

Records with disposal coverage

The digitised form of the record will inherit the retention period and disposal action set out in the relevant disposal authority.

The digitised records, therefore, must be retained for the same total period specified for the source and then disposed of with the same disposal action.

Calculating retention periods

The best practice is to sentence records from creation or capture and to automate the application of retention periods in your recordkeeping system.

That is, the retention periods and future disposal actions are applied at the time the records are registered and captured into the business system. The trigger for disposal could be any post-registration fixed date or event, if the registration date is not appropriate.

This practice is only valid if the line-of-business application or information system has built-in retention and disposal functionality, or if there is another means that provides the requisite functionality (for example, integration with a third-party records management application.)

Disposal and business process digitisation

The assumption is that business process digitisation occurs at (or close to the time of) the receipt of the record by the public office (or its agent if digitisation or the business process is out-sourced.)

In this case, the digitised records should be able to be sentenced at creation, capture, or registration (see above.)

Disposal of source records

The source record may have to be retained after digitisation if:

- There is a legal requirement to retain.
- The Chief Archivist has declined to approve retention in electronic form only.
- The public office has decided to retain the source record.

In these cases, the source record and the digitised should be disposed of together when the retention period given in the relevant approved disposal authority has expired.

The source record and digitised versions should be linked or related together at the time of digitisation, so that later disposal can be coordinated and occur together if required. In some cases, though, the disposal actions regarding each format may vary.

Where the source records are to be retained after digitisation, public offices should plan early in the project how to manage the source records until disposal is authorised. This is an opportunity to assess storage and access.

Metadata retention after disposal of the digitised records

Public offices must retain and maintain any associated metadata after the disposal of digitised records because this provides evidence of:

- The records existence.
- The business activity and recordkeeping processes.
- Authorised and implemented disposal.

The requirement to retain and maintain metadata is a requirement of the Archives New Zealand [Electronic Recordkeeping Metadata Standard](#).

12. Advice and guidance

For further advice and guidance, please contact [Archives New Zealand](#).

Advice service

Archives New Zealand offers free, digitisation-related advice to agencies in the following areas:

- Retention and disposal of digitised records.
- Management of digitised records.
- Technical specifications for digital records and record management systems.
- Digital continuity.

Archives New Zealand can also peer review public office digitisation documentation. This documentation review is limited to a high-level 'health check' for conformance with:

- The digitisation toolkit, including [AS/NZS 13028:2012](#) and the [Authority to retain digitised public records in electronic form only](#).
- Other related Archives New Zealand standards, including the [Digital Recordkeeping](#), [Disposal](#), and [Electronic Recordkeeping Metadata](#) standards.

A documentation review does not mean that Archives New Zealand:

- Endorses any vendor, hardware, or software referenced in the documentation;
- Discharges the agency obligations or responsibilities under any Acts, regulations, or standards not administered by the Chief Archivist.

Requests for advice can be sent to rkadvice@dia.govt.nz

13. Appendix 1 – Application to the Chief Archivist for approval to retain digitised public records in electronic form only

This template must be used by public offices seeking approval from the Chief Archivist for the retention of public records in electronic form that have been excluded from the [Authority to Retain Digitised Public Records in Electronic Form Only](#).

The information should be completed and submitted to the [Disposal and Acquisition section](#) at Archives New Zealand at rkadvice@dia.govt.nz. The team will contact you to discuss further.

Date:

Name of public office:

Name of Contact and contact details:

Description of the records: [Please provide a brief description of the records; their original format and any properties or qualities that may be lost following digitisation]

Description of the circumstances of digitisation: [Please provide a brief explanation of the purpose for which the records are to be/have been digitised; the digitisation process to be followed and their electronic format]

Reason for exclusion from the *Authority to Retain Digitised Public Records in Electronic Form Only* and why this application has been made:

Are the records covered by a current Disposal Authority? No/Yes DA number:

