

Accessing papers deposited by Ministers of the Crown

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What are ministers' papers?

Ministers' papers are records accumulated and deposited by ministers or former ministers (including prime ministers). These papers often contain a mix of political, official and personal material relating either to the Minister or to people who have been in contact with the Minister.

Why does Archives New Zealand have them?

Many ministers and former ministers, including prime ministers, choose to deposit their papers with Archives New Zealand when they leave office or move on to a different portfolio. These records are of high interest to researchers, as they provide important historical and contextual information about ministers' actions and about significant New Zealanders.

How are access conditions set for these papers?

The depositor (the Minister) retains control over their own records and they agree access conditions with the Chief Archivist. These conditions are then administered by Archives New Zealand on behalf of the depositor. In most cases access to papers is by permission of the Minister during their lifetime. In some cases restrictions continue after their death.

When setting access conditions ministers consider a number of issues including their own interests, the public interest in having the ability to access the papers, and issues of personal privacy for themselves, their family, and people who may have corresponded with them. They are provided with guidance in setting access conditions through the Cabinet Manual.

What are the issues with ministers' papers?

There are three key issues with the collections of ministers' papers:

1. They may include some official papers which are still sensitive and which wouldn't be released by the originating department under the Official Information Act;
2. They may contain security classified material which requires adequate protection. This issue came to light earlier this year when security classified material which had been included in the Rt Hon David Lange's papers was accidentally released; and
3. Ministers' expectations about how their deposits are handled by Archives New Zealand may need clarification – specifically some ministers who want to restrict access to their papers may not want [lists](#) of their papers available on the internet.

What is Archives New Zealand doing about ministers' papers?

In 2005, following discussions with Archives New Zealand, a Cabinet Circular was developed. This circular revises the guidance for current and future ministers about setting access provisions to their deposits with Archives New Zealand. This new

guidance also gives Archives New Zealand permission to check future deposits for official material which would not be released under the Official Information Act. These checks will be run as access requests are received. The Minister will be advised on the status of official papers for which access has been requested and will then make a final decision about granting access.

However, the Cabinet Circular doesn't apply to papers already deposited with Archives New Zealand, so we are now working to reach a similar agreement with other ministerial depositors regarding official information which may be in their papers. We are also writing to former ministers of defence and foreign affairs and former prime ministers who have papers deposited at Archives New Zealand to request permission to examine their papers to identify any security classified material which may be part of their papers. In all cases ministers will make final access decisions following advice from Archives New Zealand.

The process of examining the collections of papers for security classified documents is being undertaken in Archives New Zealand's building in Wellington, under the supervision of archives staff, by the Security Intelligence Service and the Government Communications Security Bureau as they are the experts in security and classification issues. We have developed an agreed decision-making process which provides clarity about what happens to any security classified documents which are identified.

In all cases there will be a clear paper trail setting out what has been done and all documents will remain under the authority of the Chief Archivist. All decisions will be regularly revisited to make sure the access and storage arrangements made are still appropriate and to determine whether papers can be declassified.

In addition we are establishing a wider review of Archives New Zealand's systems and processes used to manage the collections of ministers' papers held here. This review involves a range of agencies.

FAQs

Will any documents be destroyed?

No. The collection of ministerial papers at Archives New Zealand is a valued part of our collection. They provide important historical and contextual information about ministers' actions and about significant New Zealanders.

Will access to ministerial papers change?

Under most current access arrangements depositors have restricted access to their papers except by their express permission. In some cases, typically when the depositor has died, access is by permission of the Chief Archivist. Where this is the case the Chief Archivist uses current legislation such as the Privacy Act, the Official Information Act and the Public Records Act to guide her decisions. There are also some sets of papers which are on open access. We have always examined the ministers' papers that we administer before releasing them. In most cases we expect the normal arrangements to continue. There may be some delays in providing material, however, where we need to write to ministers to seek their permission to examine their papers and provide them with advice prior to the Minister making the final decision about access. Note: the [lists](#) of materials for some ministers' papers are also not available while we clarify ministers' intentions about these.

What sort of delay can I expect?

In general we expect to be able to release files within a month of the request being made. However this may vary depending on the number and size of requests we have at any one time. Some requests, such as large requests or requests for many files may take longer for us to check and clear. Larger requests will need to be discussed on a case by case basis - it would help both us and the researcher if researchers wanting particular files could [contact us](#) well in advance of their proposed visit to discuss the access arrangements. This would also mean we could provide an estimation of how long it will take us to examine and release the material. If the material has already been cleared there won't be a delay in our response to your request.

What happens to classified or sensitive documents?

There are a number of options for this material. In all cases the material stays under the authority of the Chief Archivist, there will be a clear paper trail showing what decision was taken and why. Documents which are identified as classified will be reviewed every 10 years to determine whether they can be declassified.

Are these changes really necessary?

Archives New Zealand has identified a serious concern and we need to be careful and responsible about how we deal with it to ensure the needs of researchers, depositors and the government are balanced. It is important the regime for managing ministers' papers is robust and reliable so depositors can have confidence that their access

conditions are being met and to be certain that researchers have appropriate access to material.

Why are the GCSB and the SIS involved?

These agencies are the experts on matters of national security. We are the experts on archiving matters. We are working with the GCSB and the SIS to ensure any security classified material is identified and appropriate decisions are made about how to deal with it.

Can material be requested under the Official Information Act?

The OIA applies to official papers and records deposited by current ministers who are still serving under their ministerial warrant. It does not apply to papers deposited by former ministers and it does not apply to personal material which may be included in either sets of papers. Typically official papers will be duplicated in the records of the originating department and access to these can be requested through the Official Information Act.

I used to be able to see ministers' papers on your access lists what happened to them?

We make lists of material held on deposit by Archives New Zealand available through our finding aids. These are publicly available both in our reading rooms and on the [Internet](#). Until recently these systems included lists of papers deposited by ministers. We are seeking clarification about depositors' expectations regarding these lists. In the meantime, we have withdrawn Ministerial papers from the public finding aids. Lists will be returned to the finding aids as Archives New Zealand confirms that this was the intention of the depositors.

Contact

Contact us at MinistersPapers@archives.govt.nz