

# INFORMATION MANAGEMENT

## Introduction

Local government is a great gatherer of information in all of its forms. It has diverse statutory obligations to compile information, to disseminate it, to disclose it upon request and to store it. Each of those activities gives rise to legal and political risk; some of those activities give rise to greater risks than others. (By political risk I mean the circumstances where there may be criticism by the public and/or media which puts the efficiency of the Council and/or its political processes in a bad light.)

This paper is not intended to provide a comprehensive review of the relevant law relating to best management practice of information in all of its forms. Time will not permit that. Rather I intended today to focus briefly on some general issues before passing on to discuss in more detail some matters which arise on a day-to-day basis in every local authority in New Zealand.

Managing information in local government is not an easy task; it is a bit like herding cats. Some information is incapable of easy management so that there are inherent risks simply from possessing that information. Other information is technically capable of easy management but has not been well stored, or over time has been mishandled, so that is no longer complete and/or accessible

From my observation, some local authorities manage their information far better than others. Often the level of performance is commensurate with the level of expenditure made by the organisation, historically in time and effort and/or more recently by way of computerisation, ensuring that it has appropriate systems in place for the filing and archiving of information and other records in a manner which facilitates both easy retrieval and simplifies the subsequent management of information.

I come from a local authority which historically has struggled in this area. Its pre-1989 amalgamation performance in the record keeping area was somewhat patchy, with standards varying among the former authorities. File storage systems and methods had developed idiosyncratically prior to amalgamation and there was no overall master plan post amalgamation, so that finding documents can sometimes be an intuitive and specialist task capable of being performed by a few employees who have been around for some time. Indeed my predecessor remarked to me when I arrived in the office in 2003 that his job before my arrival (and I might add subsequently) was "to find things". Fortunately we have an experienced and highly skilled archivist on staff who can find just about anything in the "system".

It is only in relatively recent times that my Council has made a significant investment in modernising its information recording and retrieval systems. That step alone has significantly reduced the risks associated with inadequate information management. We have finally even reached the stage, in 2008, where a customer who wishes to have access to the "property bag" will no longer be handed original documents for inspection - merely imaged versions of the originals!

## Record keeping obligations

One of the motivating factors behind the recent changes at my Council was the enactment in April 2005 of the Public Records Act 2005 (PRA). As you know that statute imposes clear record keeping obligations on local authorities, although those obligations had existed previously in largely the current form. The new legislation tended to bring those issues into sharper focus. The obligations under PRA also extend to include council-controlled organisations, council-controlled trading organisations and local government organisations by the extended definition of “local authority” in the Act. The PRA applies to “records” which is broadly defined to basically mean everything which has been reduced to paper or is held in the form of a recording or electronic record.

Under s17 PRA a local authority is directed to create and maintain full and accurate records of its affairs “in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor”. It is also required to maintain in accessible form all protected records under its control until disposal is authorised.

Protected records are those records of a local authority which the Chief Archivist may identify by notice in the Gazette as a protected record (s40 PRA). No action has been taken under that section. However, under the transitional provision in s41 PRA the classes of local archives identified in a Gazette Notice made under s256 of the Local Government Act 1974 continue to apply as if those local archives were protected records under PRA.

Finding a copy of that list of records on the Archives New Zealand website is not easy so I have attached a copy of the Local Government schedule for convenience of reference. The list of records required to be kept is extensive, so that the obligations to be complied with are commensurately extensive.

Curiously however there is a reference in that list to regulatory records, including a specific reference to the record keeping requirements of the Resource Management Act, but no specific reference to the record keeping requirements of the Building Act 2004, which require that building consent records to be kept for the life of the building. You need to be alert to other specific record keeping obligations.

From a risk management perspective therefore there is a political risk of inadequate record keeping and there is also a legal risk because of the provisions of s61 PRA which makes an offence to “wilfully or negligently” damage, dispose of or destroy a public record otherwise than in accordance with the provisions of PRA. The maximum fine from an individual is \$5,000 and for the local authority a maximum fine of \$10,000.

You all note that the Local Government Schedule is dated 8 December 1998. It does not appear that in the last decade any attempt has been made to review the schedule as a consequence of the passing of the Local Government Act 2002 (LGA 02). As you know one of the innovations of LGA 02 was the introduction of principles around decision making which are to be found in Part 6 LGA 02.

One might have thought that the schedule would have been updated to specifically reflect these new requirements. In reality however the requirements are probably covered to the extent that the options analysis required by s77 LGA 02 finds its way onto a Council agenda (item 1 of the schedule). The other pragmatic driver for comprehensive and careful record keeping in relation to major decisions is the risk of judicial review proceedings and the burden created by a requirement to make discovery if such proceedings are commenced.

### General information requests

As you know the underlying philosophy of the Local Government Official Information and Meetings Act 1987 (LGOIMA) is that information should be publicly disclosed unless there is good reason for withholding disclosure.

In the majority of cases when information is requested from a local authority it is capable of an easy answer, mundane in nature and there are no consequences, legal or political, from a failure to make disclosure or to make a correct disclosure.

Answering questions from ratepayers comes with the territory. Most, if not all, councils have “customer service” policies or charters which encouraged Council staff members to provide excellent customer service when dealing with enquiries with the public. Those policies or charters have often been written with the focus upon customer service with little or no thought the effective management of risk in relation to that information. So for example, you can get the circumstances where a member of the call centre staff is giving advice on the need or otherwise for a building consent when the person to whom the call should be directed is otherwise engaged and the caller is demanding an immediate response.

Sometimes I despair at the lack of any sense of awareness or self preservation demonstrated by staff in those circumstances.

The following is a short and informal checklist that you might wish to persuade your staff to use to assist with the management of risk in relation to requests for information:

- Do I fully understand the nature of the request?

Sometimes the question may mean one thing to the person asking it and something quite different to the person giving the reply. Clarifying the question will assist to ensure that the response is appropriate.

- Should I require the request to be recorded in writing?

My practice is to encourage written requests. There is some authority for that approach in s44A(4) LGOIMA which requires that an application for a LIM must be in writing (although equally one might say that because the written requirement is specifically mentioned in s44A, there is not otherwise a requirement for a request under LGOIMA.) It is so easy today to require a written request, especially through use of the internet. A written request is much more difficult to misinterpret. If the written request is misinterpreted and the response to the request is given in writing, there will be an

unequivocal record of who said what, when and to whom. The only time a written request might not need to be recorded is where the conversation occurs through the telephone system and is recorded, and the recording is retained indefinitely. If there is no written record or recording kept a comprehensive and contemporaneous file note should be made and stored so that it is capable of easy location and retrieval.

- Do I have the delegated authority to deal with this request?

Some local authorities hold delegations under LGOIMA very closely, particularly in relation to response to written requests which go beyond the mundane oral request. The customer service ethic should not drive the consideration of where the delegation for reply should properly lie. I will get someone to ring you back is a perfectly acceptable response (so long as someone does follow up). While a more relaxed approach to delegation of authority might reflect the open government principles of LGOIMA, it does not in my view reflect good risk management practice. My preference is to keep delegations under LGOIMA as closely controlled as possible.

The particular risk in this area relates to the use of the various grounds under LGOIMA for withholding information. In my experience those grounds are not well understood by many staff working in local government with the result that you can often become embroiled in time consuming enquiries by the Ombudsman following a complaint. One problem area is legal privilege. There seems to be a common view that if your lawyer is involved in some way in the correspondence it will be privileged and may be withheld. That is wrong. The Ombudsman will commonly review the circumstances of the correspondence and/or the advice given. If the lawyer was acting as a commercial adviser rather than a lawyer the correspondence will not be privileged. Nor will it be possible to claim legal privilege if it has previously been waived e.g. "the Council has taken legal advice and its actions are in accordance with the advice received".

Other areas which commonly give rise to difficulty relate to commercial sensitivity, the protection of commercial negotiations and free and frank expression of opinions. There is not sufficient time today to discuss the intricacies of these other grounds. Such issues are a seminar topic in their own right.

- Have I restricted my response to the request made?

Avoid volunteering information unless that is an obvious thing to do, e.g. to avoid a subsequent request, and you understand the consequences of the further disclosure. Most importantly refrain from interpreting the information provided unless you are qualified to provide that interpretation.

- If the information is not held by the Council in the form in which it is requested, and/or compiling the information in that form will be a time-consuming task, have you considered asking the requester to accept the information in a different form or to reframe the request?

- Does the Council's LGOIMA policy require the charge be made for the provision of the information requested?

In that case it is always a good idea to the requester's approval before incurring that expense.

Providing accurate responses to requests which are clearly understood, and restricting comment to the information supplied, are both very important aspects of risk management in this area. That is because a local authority responding to an information request under s10 LGOIMA and acting in good faith, is immune from civil action as a consequence of making that information available, or for the consequences that flow from making that information available (s41 LGOIMA). Commentary provided in respect of the information provided or further information volunteered without a request which is provided negligently, may result in exposure to a claim for damages.

Seeking clarification of the terms of the request, being proactive to assist the requester to accurately identify what it is that he or she wants and informing the requester of the charges proposed to be made at the outset are all good techniques which will make you popular with the Ombudsman in the circumstances of a complaint to, and an enquiry into the complaint by, that office. Those of you who have been involved in such enquiries will appreciate how time-consuming and counter-productive they can sometimes be.

### Land Information Memorandum

You will be familiar with the process under which it is possible to apply for details of specific properly related information held by the Council. In 1991, contemporaneously with the enactment of the Resource Management Act 1991 and the Building Act 1991, LGOIMA was amended by the insertion of s44A with effect from 1 December 1992. The text of that section is set out below.

- “(1) A person may apply to a territorial authority for the issue, within 10 working days, of a land information memorandum in relation to matters affecting any land in the district of the authority.
- (2) The matters which shall be included in that memorandum are—
- (a) Information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—
- (i) Is known to the territorial authority; but
- (ii) Is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991:

- (b) Information on private and public stormwater and sewerage drains as shown in the territorial authority's records:
    - [(ba) any information that has been notified to the territorial authority by a drinking-water supplier under section 69ZH of the Health Act 1956:]
    - [(bb) information on—
      - (i) whether the land is supplied with drinking water and if so, whether the supplier is the owner of the land or a networked supplier:
      - (ii) if the land is supplied with drinking water by a networked supplier, any conditions that are applicable to that supply:
      - (iii) if the land is supplied with water by the owner of the land, any information the territorial authority has about the supply]
  - (c) Information relating to any rates owing in relation to the land:
  - (d) Information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority (whether under the Building Act 1991 [the Building Act 2004] or any other Act):
  - (e) Information concerning any certificate issued by a building certifier pursuant to the Building Act 1991 [or the Building Act 2004]:
  - [(ea) Information notified to the territorial authority under section 124 of the Weathertight Homes Resolution Services Act 2006:]
  - (f) Information relating to the use to which that land may be put and conditions attached to that use:
  - (g) Information which, in terms of any other Act, has been notified to the territorial authority by any statutory organisation having the power to classify land or buildings for any purpose:
  - (h) Any information which has been notified to the territorial authority by any network utility operator pursuant to the Building Act 1991 [or the Building Act 2004].
- (3) In addition to the information provided for under subsection (2) of this section, a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.

- (4) An application for a land information memorandum shall be in writing and shall be accompanied by any charge fixed by the territorial authority in relation thereto.
- (5) In the absence of proof to the contrary, a land information memorandum shall be sufficient evidence of the correctness, as at the date of its issue, of any information included in it pursuant to subsection (2) of this section.
- (6) Notwithstanding anything to the contrary in this Act, there shall be no grounds for the territorial authority to withhold information specified in terms of subsection (2) of this section or to refuse to provide a land information memorandum where this has been requested.”

In the 16 years that have passed since the enactment of that section there has been remarkably little litigation over it. However, the potential for litigation has always been apparent and RiskPool has detected an increasing number of notifications of potential circumstances that might give rise to claim over recent years. This risk arises because the indemnity against claim under s41 LGOIMA for information supplied in good faith is not available in respect of information supplied under s44A.

One notification which resulted in a claim and finally made its way to the High Court in October last year, with the decision delivered finally in July 2008 was the case of Altimarloch Joint Venture Limited v Marlborough District Council and others (HC Blenheim, Wild J, CIV-2005-406-000091).

The facts of the case were quite complex, but at the risk of oversimplification the central point for the purposes of the current discussion was the fact that Marlborough District Council issued a LIM which contained incorrect information relating to a resource consent in respect of rights to take water for irrigation purposes (water permit) relating to a particular parcel of land. The claim was that because this information was incorrect and it was relied upon by the purchaser of the land, loss was suffered for which the Council should bear responsibility. Marlborough District was unable to defend its position and was found liable for damages.

It was unsuccessful in its attempt to argue that because it was a unitary authority, and also because resource consents to take water are personal property and are not therefore “affecting the land”, the relevant information in respect of those consents was supplied under s10 LGOIMA in good faith so that the indemnity against claims under s41 LGOIMA was available to it. This point turned on the fact that s44A only applies to territorial authorities. The judge rejected this argument on the basis that was not what the Council purported to do. He held that there was sufficient proximity, policy favoured the imposition of a duty of care and the Council had failed to discharge its duty of care when inserting incorrect information in the LIM.

The plaintiff also pleaded breach of a statutory duty “to take care in issuing a LIM”. While the finding that regard was not strictly necessary for the purposes of the proceedings, given the findings in negligence, the judge also found that there was

a breach of statutory duty and that the warning statements contained on the face of the LIM about the accuracy and reliability of the information did not assist the Council in this particular case because information was supplied about the relevant water permit, but the correct information had been carelessly overlooked.

Finally, the plaintiff alleged a breach of the Fair Trading Act 1986. The plaintiff attempted to argue that the Council was not exercising a statutory function when issuing the LIM but was selling a summation of its record in return for payment of a fee, and was therefore in trade. This argument was firmly rejected by the judge.

The key points for me from this judgement are:

- Be careful to differentiate between your statutory duties and your customer service responsibilities. In districts which have the traditional model of territorial/regional authorities purchasers are familiar with the need to make separate enquiry of the territorial authority and the regional council for details of the different forms of resource consents issued by each of those councils. In this case the result flows from the form of the LIM rather than substance. One can only but wonder what the answer might have been if the Marlborough District Council LIM application form included a tick box which asked whether the applicant also sought disclosure under s10 LGOIMA of water permit information held by the Council?
- If you get the information contained in a LIM wrong carelessly a disclaimer will be of no avail. This is no great surprise given the wording in s44A(5).
- There are no signs that the New Zealand courts are showing reluctance to invent new duties of care in relation to local government functions.

This case was concerned with the disclosure of information under s44A(2) LGOIMA. What then is the position if information not required to be disclosed on a compulsory basis is disclosed under s44A(3) by the Council in exercise of its statutory discretion to disclose other information “that may be relevant”. Can the Council be sued because it does not properly exercise that discretion? I suspect that the answer to that question may be “yes” but the parameters within which that risk might arise are not presently clearly defined.

The approach which we take Waitakere City to disclosure under s44A(3) is generally precautionary. If for example there are unconsented building works on the property and we hold an expert’s report which states that the building is generally safe and sound (but we have not checked and formed our own view as to the accuracy of that report) we would disclose the existence of that report under s44A(3) pointing out that if a copy was required it can be requested under s10. This action should result in the indemnity available under s41 being available to the Council. With the benefit of hindsight, Marlborough District Council might have also wished to use the technique in relation to the disclosure of water permits. In that case however it may still have been in difficulty simply because the information ultimately supplied was wrong and a Council has always been exposed to being sued for negligent misstatement

As noted above, s44(3) is the mechanism we use to disclose “expert” reports in respect of which the Council accept no responsibility for content or reliability. This will occur where the report received was unsolicited and no steps have been taken to test the conclusions. A precautionary approach to this area is recommended. Section 44A(3) can also be used as the mechanism for disclosure of information held where the statutory threshold in s44A(2)(a) is not reached. That subsection requires the disclosure of specified special features and also the “likely presence of hazardous contaminants”. When is a matter “likely”? Is it the civil threshold of balance of probability, or a lower threshold, or something higher such as “beyond all reasonable doubt”? I think it must be something beyond the balance of probability but does not need to be demonstrated beyond all reasonable doubt.

It was these circumstances that gave rise to difficulty for territorial authorities in the Auckland region in 2004/2005 in relation to a study undertaken in respect of horticultural soils by the Department of Health and the Auckland Hospital Board.

This report concluded that significant parts of the greater Auckland metropolitan area had previously been used for horticultural uses. No great revelation of startling new dimensions in that, I would imagine that every New Zealand city has expanded at some time or other over land which was previously used for horticultural purposes. The study was undertaken on the basis of a desktop review using aerial photographs of limited reliability. There was therefore some doubt as to the actual use of particular properties and also the boundaries of those particular properties by reference to current property boundaries.

As you know historical practice in relation to horticultural activities often brought the potential for concentrations of hazardous chemicals, in particular DDT and other copper and arsenic-based sprays. Many rural properties have potentially contaminated hot spots at locations where horticultural sprays were stored or prepared for application. As a result of the report the Department of Health and Auckland Regional Council recommended that local authorities take some steps at the time of subdivision or development to endeavour to identify whether or not a particular property might be contaminated by testing for residual levels of contamination. This recommendation was made notwithstanding the fact that at the time there was no consensus about the levels of contamination that were dangerous nor the methods for properly testing for the presence of those contaminants.

Waitakere City Council, and Auckland City Council, responded to this report by deciding that they would require soil testing for subdivision and new development in those parts of each city identified by this report as having previously been used for horticultural purposes. The testing requirement was entirely precautionary. Having acted upon the report received it was felt that some positive duty of disclosure arose.

As a consequence of that decision it became relevant to the purchaser of a property identified by the report as having previously been used for horticultural purposes to know what the Council might require in the event of further development or subdivision. Agreement was reached between the local authorities, through the regional chief executives forum, to include a statement on

LIM reports on properties identified by the report. A form of statement was prepared for insertion in the LIM report, as a disclosure under s44A(3), informing applicants that this might be required in the future, but this action did not indicate the presence or otherwise of hazardous contaminants on the site.

The media got hold of the issue and all hell broke loose. Auckland City decided to remove the information from its LIM reports but did not change its stance in relation to the requirement for testing. Waitakere City refused to buckle under public pressure; the statements remain on LIM reports and it has maintained its stance in relation to the requirement to testing. Property purchasers in Waitakere now generally accept that statement without further enquiry since they appreciate that the advice is purely precautionary. If however in the future the property is subdivided, testing for contaminants is required and the presence of contaminants requiring remediation is disclosed by those reports then there can be no potential to challenge against the Council.

A purchaser of a property in Auckland City however without that note upon it will get something of a surprise when told of the need for soil testing (and that an advice notice was previously on the LIM but removed) and might well take a different view of the Council's obligations in relation to disclosure.

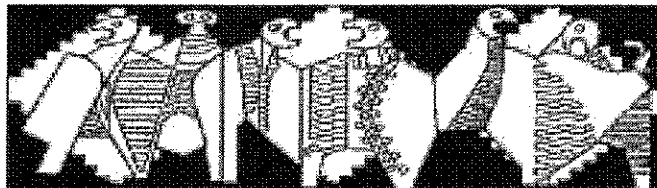
By way of postscript to that matter I note that one of Waitakere City's ratepayers decided to challenge his government valuation published after the practice of noting LIMs commenced on the basis that the valuation should be reduced for the "contamination blight". The challenge in the Land Valuation Tribunal was dismissed for lack of evidence. The Court however proceeded to make some gratuitous comments about the Council's obligations to consult in relation to the steps that it had taken. Council was successful in a judicial review application, not contested by the Crown, to have the offending comments struck from the record as going beyond the Tribunal's jurisdiction. The judge in question has recently been made an associate High Court judge.

### Conclusion

As you can see from this discussion information management is a potentially significant area of high legal and political risk. Managing those risks will never be easy but there is much that can be done to minimise risk with a little bit of forethought and/or a measure of cunning. What you need to be able to do is to instil in all council staff (and elected members) good instincts for knowing when there might be a problem and finding sensible and pragmatic ways in which to balance good customer service practice on one hand and good risk management practice on the other.

Denis Sheard  
General Counsel  
**Waitakere City Council**

15 September 2008



## Local Government Schedule

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### **Protection of Local Archives - Notice specifying classes of local archives that may not be destroyed unless prior approval is given by the Chief Archivist.**

Pursuant to section 256(1) of the Local Government Act 1976, the Chief Archivist hereby gives notice that the classes of local archives specified in the Schedule hereto may not be destroyed by the local authority having custody of them without the prior approval of the Chief Archivist, and without notifying the Chief Archivist of its intention to destroy those archives.

This requirement is in addition to any other requirements that may exist in law for the preservation of the same or other local archives. The present Schedule includes only those classes of local archives, which, in the opinion of the Chief Archivist, are worthy of permanent preservation for administrative, accountability, historical or research reasons.

Unless otherwise stated in specific sections of this notice, and notwithstanding any other legal or evidential requirements, the classes of local archives specified in this notice apply to records regardless of the media on which they are created and stored. It should be noted that the transfer into electronic form of the information contained in any archives does not, in itself, exempt the original document from the requirements of this notice.

If it is intended to maintain archives in microform format only, the local authority must provide assurance to the Chief Archivist that the archives will be maintained in compliance with international standard practice.

Explanatory notes approved by the Chief Archivist to assist with interpreting this notice will be available from National Archives.

The notices by the Chief Archivist published in the New Zealand Gazette of 12 February 1990 and 7 October 1991 are hereby revoked.

### **Schedule:**

#### 1. Meeting Papers:

- Local Authority Meeting Papers, for meetings as defined by the Local Government Official Information and Meetings Act, consisting of agenda, a set of signed minutes, and any other papers presented to and/or tabled
- All agenda and minutes of meetings of the senior/executive management team.

2. Electoral records: those specifically created by the authority including signed rolls and ratepayers lists, returning officers' declarations of results from local authority elections and polls; reports and submissions relating to representation reviews and boundary changes.
3. Valuation and rating records:
  - Valuation records created by valuers employed or contracted by the local authority.
  - Rating records, including special rating records but excluding those relating solely to the payment of rates.
4. Local acts of Parliament, bylaws and standing orders, including one sealed copy of all existing and superseded bylaws. Related legal opinions and submissions. Drafts and working papers only where there was considerable public interest.
5. Financial Accountability:
  - Draft and final funding policies and financial strategies and submissions thereon
  - Draft and final annual plans and submissions thereon
  - Annual report (including audited financial statements)
  - Investment and borrowing management policies.
6. Resource Management Act:
  - Draft and final district and regional plans, including all significant working papers, submissions and minutes of hearings or hearing documents
  - All submissions and evidence presented at resource consent hearings including joint hearings and appeals to the Environment Court and other courts.
7. Property/assets owned by and/or administered by the local authority: Records relating to the acquisition, development (including design, construction and substantial improvement) management and disposal of land and buildings. Asset management plans, asset registers, contract documents and as-built plans of public utilities, and services eg. roading, drainage, sewerage and stormwater, water supply, flood control, power generation and supply, refuse disposal and public transport.
8. Regulatory Records:
  - Records of permits, consents, and licenses issued by the local authority in respect of land, buildings and marine structures, and activities associated with these
  - Hazards registers.

9. Policy manuals, procedure manuals, and policy circular memoranda.
10. In addition to files and documents affected by the requirements of any other section of this notice, files documenting policy development or providing evidence of legal action, controversy, submissions on legislation, legal or administrative precedent, important instances of application of policy, on topics including:
  - the performance of the local authority's statutory or other primary functions
  - relations with the community, community organisations, other local authorities with which it has dealings, and central government
  - internal organisation and procedures
  - staffing and industrial relations
  - historic and historical matters relating to the authority and its region.
11. Employee history: information from personnel management information systems documenting employees' name, position, salary, dates of employment, gender and date of birth.
12. Cemetery records: registers and indexes of burials, cremations and grave plots as well as maps and plans of cemetery plots.
13. Information Systems:
  - Registers and indexes to files and correspondence and similar records which provide evidence of the structure of records systems
  - Schedules and listings of all records destroyed or archived.
14. Strategic planning records: In addition to the requirements of any other section of this notice: records of any policy, plan or strategy involving a process of public consultation, including submissions or hearing of documents.
15. Publications: All material published regardless of format by the local authority including "official" publications such as the annual report, annual plan, bylaws; publicity material, such as brochures, newsletters, press statements, guides; general informational material such as fact sheets, "how to" guides; books; internal publications such as staff magazines and manuals.
16. Visual and sound archives: In addition to visual and sound records affected by the requirements of any other section of this notice
  - any other maps and aerial photographs
  - any other plans, photographs, sound recordings or other media
  - registers and indexes to these which have high informational value.
17. All classes of records formerly held by any department, office, corporation, agency, or instrument of any kind of the central government of New Zealand, and now in the custody of any local authority.

18. Local Authority Trading Enterprises (LATEs) and private companies: All classes of local archives that were subject to a Gazette Notice issued under Section 256 of the Local Government Act at the time when the archives were transferred to the physical custody of a LATE or private company that acquired any function of a local authority after 1989.
19. Similar classes of archives belonging to merged, preceding, abolished or other authorities, now in the custody of the local authority.
20. In addition to the requirements of any other section of this notice, all local records created prior to 1945.

Dated at Wellington this 8th day of December 1998.  
CHRIS HURLEY, Acting Chief Archivist