

Appraisal Report

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Agency	Hon. Clare Curran
Contact Details	[Details removed]
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Introduction

Purpose

The purpose of this appraisal report is to obtain disposal authorisation from the Chief Archivist for records created and received by the former Minister Hon. Clare Curran. This appraisal report provides the context of the disposal recommendations for those records.

Background

In 2015 the Chief Archivist undertook a review of the management of text messages under the Public Records Act 2005 (the Act)¹. This included an analysis of the recordkeeping advice, support and systems provided to the Prime Minister and Ministers of the Crown in meeting their obligations under the Act. The review also clarified that Ministers of the Crown are public offices under the Act, and records Ministers create and receive when operating in their official capacities are public records and should be managed as such.

Appraisal circumstances

On 18 September 2018 Hon. Clare Curran submitted emails from her private Google account at Archives New Zealand after a discussion with the Department of Internal Affairs Ministerial and Secretariat Services over a possible deposit. The records offered for deposit were emails created and received via her private email account while she was a Minister of the Crown. The number of the emails was 310 plus an additional 91 attachments in various formats such as Microsoft documents, PNG (Portable Network Graphic) and PDFs.

The appraisal approach undertaken for the e-mails deposited by Hon. Clare Curran does not set a precedent for a future deposit of Minister's papers under s. 42.

Scope

This appraisal report covers the emails submitted as copies for assessment by Hon. Clare Curran on 18 September 2018.

Parliamentary Career

Hon. Clare Curran has been the Member of Parliament for the Dunedin South electorate since 2008. From 26 October 2017 she was the Minister of Broadcasting, Communications and Digital Media, Minister of Government Digital Services, Associate Minister of ACC and Associate Minister of State Services (Open Government) in the 52nd Parliament (see below).

Ms. Curran resigned as a Minister on 7 September 2018.

¹ [Managing text messages under the Public Records Act. A Review by the Chief Archivist. 8 September 2015](#)

Portfolio responsibilities

- Minister for Broadcasting, Communications and Digital Media, 26 October 2017 – 07 September 2018
- Minister for Government Digital Services, 26 October 2017 – 24 August 2018
- Associate Minister for ACC, 26 October 2017 – 07 September 2018
- Associate Minister for State Services (Open Government), 26 October 2017 – 24 August 2018

Ministers of the Crown recordkeeping/system environment

Each Ministerial office maintains its own recordkeeping systems, which office staff use on a day-to-day basis to support Ministers in carrying out their roles and responsibilities. Ministerial and Secretariat Services provide guidance and support in the creation and maintenance of these systems.

Recordkeeping systems are developed based on each Ministers' individual requirements, and the operation of their offices.

Most records relating to Ministers' portfolio responsibilities are managed by their portfolio public offices, and are therefore maintained in the information management or recordkeeping systems of those public offices.

Records created and maintained within a Minister's office are managed in physical and electronic systems. Physical records are kept in filing cabinets, and are generally arranged at folder level (usually by subject). Electronic records are kept in shared drives, and are arranged at folder level by subject.

Use of official and private email accounts

Emails sent/received via official accounts are regularly archived (in the IT sense of the word, not archived under the Act). They are accessible by senior private secretaries, press staff and other ministerial staff for OIA requests.

Correspondence relating to ministerial portfolios is occasionally sent and received via private email accounts. Although there are no specific rules prohibiting the use of private email for Ministerial correspondence, Ministerial and Secretariat Services provides guidance for Ministers and their offices for the management of text messages which can be applied to emails.

Where a Minister uses a private email address in an official capacity and an official record is not automatically created, the Minister will need to create one by either forwarding the emails to his/her official email accounts, or providing it to his/her supporting staff so they can create one.

Methodology

Pursuant to section 42 of the Act, the Chief Archivist may accept parliamentary papers, Ministers' papers, and private and other records for deposit in Archives New Zealand.

To assist with informing the Chief Archivist's decision making, the records offered to Archives New Zealand have been assessed and appraised using the following approach:

The set of emails treated as one single unit for disposal purposes

310 emails with 91 attachments were stored in MBOX file format (i.e. an email storage format). This can be managed as a single file. The emails are on a single file and each email exists as a subset. The emails were selected as significant enough for deposit under s. 42 by Hon. Clare Curran. Treating the 310 emails as a single unit for a disposal decision has been deemed to be the most practical and consistent approach. This means that where high risk and high value information is identified, a single disposal recommendation will apply to all 310 emails to mitigate risk such as loss of integrity of the original file.

Steps for an assessment:

- Email content examination and listing
- Identification of Ministerial and non-ministerial records
- First sentencing using General Disposal Authorities (GDA6 and GDA7)
- Second sentencing using Disposal Authority covering routine Ministerial records (DA214)

For an appraisal to make disposal recommendations

- Archives New Zealand’s appraisal statement (16/Sm3)

Description of Records

Hon. Clare Curran is offering the following records for appraisal:

Title	Open date	Close date
General correspondence (310 emails with 91 attachments in MBOX file format/ file size 49.1M)	2017	2018

The general correspondence includes emails mainly to/from external stakeholders as well as internal stakeholders such as Cabinet, ministerial and parliamentary staff and colleagues.

Some of the emails include attachments, mostly Microsoft documents and PDFs.

Most of the emails were exchanged between Hon. Clare Curran and external individuals who have an interest in broadcasting, communications and digital media or government digital services.

They include 4 emails (out of 310) that were not relevant to Hon. Clare Curran’s ministerial portfolios, but relevant to her role as a Member of Parliament. They also include one email that can be regarded as either constituent correspondence (copy of social media post) regarding an ACC issue, or Ministerial correspondence, as Ms. Curran was the Associate Minister for ACC.

Evaluation

Archives New Zealand’s appraisal statement has been used to make an evaluation of the records offered for deposit. The following criteria are of particular relevance to these records.

Accountability: *Information and records that are fundamental to providing citizens with trust*

in government; providing evidence of the well-being of the community and the impact of government activities on them, in compliance with relevant legislation and regulations.

Rights and entitlements: *Information and records providing evidence of the legal status and fundamental rights and entitlements of individuals and groups.*

Knowledge: *Information and records that will substantially contribute to knowledge and understanding of New Zealand, its history, geography, culture and achievements and New Zealand's sense of their national identity.*

Although in general this set of email correspondence is transitory and facilitative, it is necessary to consider the context of these private emails and how they were used in Hon. Clare Curran's official Ministerial capacity and how they impacted on government decisions and the general public.

Context

Hon. Clare Curran was elected as a Cabinet Minister by the Labour Party caucus following the formation of the coalition government in 2017. She assumed the portfolios of Minister of Broadcasting, Communications, and Digital Media and Minister for Government Digital Services. In addition, she was also allocated the associate portfolios for ACC and the State Services Commission (Open Government).

Subsequently, Hon. Claire Curran became the subject of media attention in relation to a new Chief Technology Officer (CTO) role when it was deemed that she had failed to disclose a meeting held in February 2018 with tech entrepreneur Derek Handley to discuss his interest in the new CTO role. This led to her resignation from Cabinet on 24 August 2018.

Hon. Clare Curran used her private email account as one of her communication tools while she was in her Ministerial capacity. The email copies submitted for this appraisal include text messages with Derek Handley (including chains of conversation between Ms. Curran and Mr Handley via email).

The use of Hon. Clare Curran's private email account for ministerial use was questioned during parliamentary question time, soon after she resigned as a Minister on 7 September 2018.

On 27 September 2018 the government proactively released documents relating to the CTO position. Some communications between Hon. Clare Curran and Derek Handley can be found in the proactive release of documents.²

Conclusion

Setting aside the context of these emails, some of the content can be regarded as routine, transitory or facilitative as it includes reference material, invitations, meeting arrangements, published reports and media articles relating to the Minister's portfolio. However, there are some emails deemed to be significant enough for long-term preservation as they have the following characteristics:

- significant Ministerial/portfolio correspondence documenting interactions between

² <https://www.beehive.govt.nz/feature/proactive-release-documents-relating-chief-technology-officer-position>

citizens, interest groups and business, with the Minister that may have impact on high-level government decision making;

- records relating to a Ministerial advisory committee such as independent advice given to the former Minister Hon. Clare Curran;
- correspondence that is relating to controversy and has evidential value for an individual's rights and entitlements

The set of emails provides some evidence of the former Minister's accountability as the set was selected and arranged by her for deposit. It has been deemed worthwhile to keep the whole set of emails as public archives considering the risk associated with destruction. Removing non-archival emails sitting within the MBOX file is not recommended as it will cause loss of integrity of the original file and it would be too complex to isolate and destroy them.

Disposal recommendation

Based on the evaluation made in this report it is recommended that the emails from Hon. Clare Curran be accepted for deposit pursuant to section 42(1)(b) of the Public Records Act 2005 and be retained as public archives.