

# Appraisal Report Amendment to an Existing Disposal Authority

## Appraisal Report Amendment to an Existing Disposal Authority Ministry for Primary Industries (MPI)

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<b>Agency</b>	Ministry for Primary Industries (MPI)
<b>Contact Name and Details</b>	[Name and details removed]
<b>Date</b>	07/08/2017
<b>Disposal Authority to be changed</b>	<a href="#">DA613</a>

### Purpose/Circumstances

MPI is introducing a new Integrated Electronic Monitoring and Reporting System (IEMRS) for the electronic monitoring and reporting of fishing activities (which MPI is responsible for under the [Fisheries Act 1996](#) and associated regulations).

The introduction of the new IEMRS system has seen the 'Observer Programme' (referenced in class 5.6 of MPI's Disposal Authority (DA) [DA613](#)) be extended to include the activity of electronic monitoring of fishing activities through the collection of digital video footage of fishing activity from automated cameras deployed on commercial fishing vessels.

Disposal coverage is being sought for the records created/received by the introduction of this new activity.

### Description of Amendment/Scope

Descriptions of the proposed amendments are outlined in the tables below.

### Agency and System Information

No changes are required in Archway to MPI's 'Agency and System Information'

### Methodology

The Archives New Zealand [Appraisal Statement](#) has been used to inform the methodology for this appraisal.

Research into precedent within international regulatory authorities with the equivalent 'observer' and monitoring functions for commercial fishing vessels has been completed. This research has specifically focussed on the minimum retention period by international regulatory authorities of digital video footage records of fishing activity from automated cameras deployed on commercial fishing vessels. The results of

this research is as follows:

The Australian Fisheries Management Authority (AFMA) have the most similar retention model to what MPI has established. Their minimum retention/disposal model falls under different Records Authorities, which are as follows:

Records Authority Number/Name	Class/Entry Number	Description of records	Disposal Action
<a href="#">2012/00258047</a> Australian Fisheries Management Authority – Digital Video Surveillance Records	61051	Digital video records of fisheries compliance monitoring that are not used for investigations and/or evidence of suspected illegal activities  <i>[For information or records used in investigations use RA 2007/00204327 – class 16144]</i>  <i>[For records of legal action undertaken, use AFDA/AFDA EXPRESS – LEGAL SERVICES]</i>	Destroy six months after last action
<a href="#">2007/00204327</a> Australian Fisheries Management Authority	16129	Records documenting compliance monitoring activities undertaken by the agency in support of the fisheries resources management function. Includes records documenting the placement of observers on foreign fishing vessels	Destroy 10 years after action completed

The Department of Fisheries and Oceans Canada has a model where the digital video footage is owned by industry and held by a third-party provider for review and analysis. The minimum retention/disposal model of the third-party provider for video footage showing no breaches of fishing regulations is 2 months prior to destruction.

## Consultation

As noted above, consultation with international regulatory authorities with the equivalent 'observer' function for commercial fishing vessels were consulted during 2016. Those consulted were:

- The Australian Fisheries Management Authority (AFMA)
- The Department of Fisheries and Oceans Canada
- National Oceanic and Atmospheric Administration (NOAA), U.S.A.

Additionally, consultation within MPI and government agencies (as appropriate given the content of the records) has been conducted during 2016.

MPI's internal agreement with proposals for records management as described in this document were documented as part of the sign-off processes prior to public consultation. Internal MPI sign-off included:

- [Name removed]

- [Name removed]
- [Name removed]
- [Name removed]
- [Name removed]
- [Name removed]

New Zealand Public offices outside MPI consulted were:

- The Department of Conservation [Name removed]
- Maritime New Zealand [Name removed]
- The Ministry of Business, Innovation and Employment [Name removed]

Iwi, non-government stakeholders and the public were consulted between 11 November - 23 December 2016. No feedback was received on the proposed retention timeframes.

1. Minor changes and amendments to existing sub-classes not requiring Chief Archivist approval  
[Removed]

## 2. Proposed New Sub-Classes (Chief Archivist approval required):

Proposed New Sub-Class	
<b>Title</b>	Automated trip data collection - Records indicating no breaches of fishing regulations or events of particular interest
<b>Number</b>	5.6.3
<b>Description</b>	<p>Records of fishing activity captured on a daily basis by automated cameras stationed on board commercial fishing vessels during trips indicating no breaches of fishing regulations or events of particular interest e.g. protected species bycatch events. This includes:</p> <ul style="list-style-type: none"> <li>• Digital video footage from automated capture</li> </ul>
<b>Retention Period</b>	3 months (2 months 'active' and 1 month 'inactive' retention by MPI)
<b>Disposal Action</b>	Destroy
<b>Value Statement/Justification</b>	<p>Digital video footage records of commercial fishing activity indicating no breaches of fishing regulations and no other events of particular interest are of short term business value to the Ministry and are recommended for destruction after a retention period of 3 months.</p> <p><b>Note:</b> MPI 'owns' the digital video footage at the point it is received by the agency. This will be either in hard drive form or electronically via wireless data transmission network.</p> <p>They are considered 'short-term business value' records because the digital video footage is regularly visually assessed by MPI Imagery Reviewers within two months of it being received by MPI to determine if it reveals potential breaches of fishing regulations or other events of particular interest.</p> <p><b>Note:</b> 'Other events of particular interest' are specifically covered by proposed sub-class 5.6.4 below. These could include, for example, protected species captures where regulatory requirements have been met but there is value in retaining the record for retrospective confirmation of the identity of the species caught.</p>

The assessment process involves MPI Imagery Reviewers watching a percentage of the digital video footage and determining whether the video footage shows commercial fishing activity that indicates no breaches of fishing regulations, commercial fishing activity that potentially breaches fishing regulations, or commercial fishing activity in which other events of particular interest occur.

Imagery will be selected for review using a structured sampling protocol specified by MPI at least annually. The protocol will specify what reviewers are required to look for (e.g. to detect events of particular interest). The percentage of imagery selected for review will vary amongst fisheries in accordance with the risk each fishery presents to the fisheries management regime. For example, types of risk to the regime may include compliance risk or fish stock or protected species sustainability risks. It is expected that the amount of digital video footage analysed will grow with time once the IEMRS system and processes are imbedded within MPI. (The IEMRS system will be rolled out using a phased approach over 1 to 1.5 years).

**Note:** Digital video footage records of commercial fishing activity that potentially breaches fishing regulations are covered by proposed sub-class 5.6.4 below.

The minimum retention period of 3 months before destruction (2 months 'active' and 1 month 'inactive') of these records has been proposed because of the large volume of them created on a daily basis.

As part of its regulatory functions, MPI has responsibility for monitoring commercial fishing activity across approximately 1,200 commercial fishing vessels a day using the IEMRS system. This generates approximately 1 terabyte of imagery per vessel per month. Given the large volume created on a monthly basis a pragmatic short-term retention period of 3 months is proposed to reduce the significant estimated cost of storage and ongoing maintenance of the born-digital records (e.g. digital preservation of the born-digital records) which are considered of 'short-term business value'.

International precedent in Australia supports a pragmatic short-term retention period for digital video records of fisheries compliance monitoring that are not used for investigations and/or evidence of suspected illegal activities. These records are retained for 6 months (after last action) before destruction<sup>1</sup>.

The Australian model is based on the monitoring of approximately 75 commercial fishing vessels a day. Given the number of commercial fishing vessels monitored daily by MPI is significantly larger (approximately 1,200 vessels a day) MPI has adapted

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<sup>1</sup> See class 61051 of Record Authority [2012/00258047: Australian Fisheries Management Authority – Digital Surveillance Records](#)

	the precedent set by Australia. The minimum retention period before destruction has been reduced to 3 months to account for the significantly larger amount/size of digital footage captured by MPI.
<b>Access Recommendations</b>	[Details removed]

<b>Proposed New Sub-Class</b>	
<b>Title</b>	Automated trip data collection - Records indicating potential breaches of fishing regulations or events of particular interest
<b>Number</b>	5.6.4
<b>Description</b>	<p>Excerpts of records of fishing activity captured on a daily basis by automated cameras stationed on board commercial fishing vessels during trips that indicate a potential breach of fishing regulations or events of particular interest e.g. protected species bycatch events. This includes:</p> <ul style="list-style-type: none"> <li>• Excerpts of digital video footage from automated capture</li> </ul>
<b>Retention Period</b>	7 years (2 years 'active' and 5 years 'inactive' retention by MPI)
<b>Disposal Action</b>	Destroy
<b>Value Statement/Justification</b>	<p>Excerpts of digital video footage records of commercial fishing activity that indicates a potential breach of fishing regulations or other events of particular interest are of short-term business value to the Ministry and are recommended for destruction after a retention period of 7 years.</p> <p><b>Note:</b> MPI 'owns' the digital video footage when it is received by the agency. The footage will be received either via electronic data transmission networks (e.g. mobile networks) or on hard drives sent to MPI.</p> <p>The excerpts are created when the digital video footage is regularly visually assessed by MPI Imagery Reviewers up to two months after it is created. The assessment/excerpt creation process involves the MPI Imagery Reviewers watching a percentage of the video footage and identifying and creating excerpts of fishing activity that potentially breaches fishing regulations or shows events of particular interest for fisheries management e.g. protected species bycatch events. The percentage of imagery selected for review will vary amongst fisheries in accordance with the risk each fishery presents to the fisheries management regime. For example, types of risk to the regime may include compliance risk, or fish stock or protected species sustainability risks. The percentage of imagery reviewed will be set at least annually.</p> <p>Where they contain potential breaches of fishing regulations, these records are considered 'short-term business value' records because the limitation period in respect of an offence against the Fisheries Act 1996 is 2 years after the date on which the</p>

offence was committed (if the offence is one for which the maximum fine exceeds \$10,000. For lower-level breaches, this timeframe is 12 months).

Where they contain other events of particular interest, these records are considered 'short-term business value' records because research relating to the events captured will have been undertaken and completed in a 2 year timeframe.

The minimum retention period of 7 years before destruction (2 years 'active' and '5 years' inactive) of these records has been proposed because within a 2 year period MPI will have assessed if the digital video footage shows a breach or event of particular interest and taken the appropriate action as a result.

If the digital video footage shows a breach it's likely to be used as evidence in either a 'lower-scale' breach e.g. reporting infringements or a 'higher-scale' breach e.g. large-scale illegal discarding.

Any lower-scale breaches of commercial fishing activity discovered by MPI form part of standard investigations that are dealt with by MPI within approximately 2 years. Records relating to the evidence and data gathered for the purpose of forensic investigations services already have disposal coverage under sub-class 5.7.2 'Forensic Services' of [DA613](#) with a minimum retention period by MPI of 7 years before destruction.

Any higher-scale breaches of commercial fishing activity discovered by MPI form part of a Task Force Operation run at a regional level and carried out by MPI and other agencies e.g. the New Zealand Police. Task Force Operations are dealt with by MPI and other agencies within approximately 5 years. Records relating to the Task Force Operations already have disposal coverage under sub-class 5.7.4 'Task Force Operations' of [DA613](#) with a minimum retention period by MPI of 10 years before transfer to Archives New Zealand.

If the digital video footage shows an event of particular interest, an excerpt will be taken and stored, with MPI staff and contracted research providers alerted to the existence of that record. For example, photo identification of captured seabirds is currently conducted when birds are caught by fishing operations and photos of captured birds are taken by MPI observers. Photos are forwarded to a contracted research provider for identification purposes. In the case of digital video footage, excerpts of the footage would be used to confirm seabird identification, by government or contracted research providers. Identifications are then entered into databases alongside other data describing fishing events and operations (e.g., MPI's Catch Effort database).

	International precedent in Australia supports a short-term retention period for records used in fisheries compliance monitoring. These records are retained for 10 years (after action completed) before destruction <sup>2</sup> . <b>Note:</b> Where fisheries compliance records associated with legal action taken are retained for 7 years (after action completed) before destruction or are retained as national archives <sup>3</sup> .
<b>Access Recommendations</b>	[Details removed]

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<sup>2</sup> See class 16129 of Record Authority [2007/00204327: Australian Fisheries Management Authority](#)

<sup>3</sup> See classes 20449 and 20455 of [General Records Authority - AFDA EXPRESS](#)