



Fact sheet 2 - Working within the legislation

The Public Records Act 2005 (PRA) and the Intelligence and Security Act 2017 (ISA) contain a range of requirements for the disposal of information, records and data.

Intelligence and Security Act 2017 (ISA)

Under the following sections of the ISA, GCSB and NZSIS are obliged to destroy unauthorised or irrelevant information:

- 102 Destruction of unauthorised information
- 103 Destruction of irrelevant information
- 104 Retention of incidentally obtained information

Public Records Act 2005 (PRA)

Section 18 Authority required to dispose of

public records and protected records of the PRA, specifies that approval is required prior to the disposal of any public record.

“No person may dispose of, or authorise the disposal of public records or protected records except with the authority of the Chief Archivist, given in accordance with the provisions of this Act”¹

By disposal we mean either destroy, or retain as an archive which is consistent with the definitions in the Public Record Act 2005 and Archives New Zealand guidance.

This means that even though the ISA specifies that certain intelligence information must be destroyed under specific circumstances, the disposal schedule must also reflect the principles and requirements of the PRA for information gathered for intelligence and security purposes.

In practice

In practice, once approved by the Chief Archivist, the disposal schedule provides the legal mandate that will enable GCSB and NZSIS to destroy material collected under the ISA in a manner that is compliant with the PRA.

A copy of the Disposal Schedule can be found on the NZIC website.

Other fact sheets in this series are:

- Fact sheet 1 - What is a disposal schedule
- Fact sheet 3 - How to understand the Disposal Schedule

¹ Public Records Act 2005 Section 18 (1)