## Crown Response to the Abuse in Care Inquiry logo.   Featuring the Crown crest on the left, and the Māori proverb "Mā Whakarongo me Ako ka huri te tai" which means "Listen and learn to create Change". "Listening, learning, changing" sits above this proverb.

March 2025

## **The Care Records Framework**

The holders of care records operate under a variety of legal regimes which differ depending on whether the recordholder is a public or private entity and on the regulatory regime that governs their operations.

The Privacy Act 2020 applies to all care record holders (whether public or private) and provides a framework for protecting an individual’s right to privacy of personal information, including the right of an individual to access their personal information.

Public Sector agencies also have obligations under the Official Information Act 1982, and the Public Records Act 2005. The obligations under these statutes are supplemented by specific record keeping requirements under legislation governing different types of care providers (for example the Oranga Tamariki Act 1989 and the Education and Training Act 2020). There are also specific rules relating to access to court records.

The framework is not intended to change the legal rules relating to care records. It does not create new legal rights or obligations or binding obligations on agencies.

Its aim is to support agencies to learn from the experiences of the survivors who gave evidence before the Abuse in Care Royal Commission of Inquiry in relation to records and to provide a guide to best practice for agencies to consider when discharging their legal obligations relating to the management of care records.

**The purpose**

The purpose is to support a care experienced person to:

* Have their privacy protected and to have information about them kept safe
* Be free from discrimination and to be treated with respect and dignity
* Have access to information about them and their time in care
* Maintain or re-establish connections with family, whānau, hapū, iwi, whakapapa, culture and community
* Preserve or reclaim identity
* Hold organisations making decisions to account
* Be involved in decisions that affect them and be supported to participate in those decisions
* Be able to interact with, understand, challenge, and use information about their time in care, including reasonable accommodations for people with disabilities.

**Values (for Care Records Holders)**

The values describe ways for records holders to work, and behaviours to consider, when trying to deliver on the purpose of the Framework and meet the needs of care experienced people.

* Kaitiakitanga - Recognise care records as taonga with intergenerational value that must be actively protected in a way that people trust
* Manaakitanga – Recognise and respect the mana and dignity of people and elevate this through compassion
* He Tāngata - Keep people at the centre of all that you do
* Tino Rangatiratanga – Uphold people’s rights and autonomy
* Mahitahitanga - Work as equals to create and share knowledge
* Whanaungatanga - Recognise and nurture the whakapapa, kinship and connections that exist between people
* Ka mua, ka muri - Be open to new ideas and willing to continuously learn and improve
* Whakatapoko - Actively promote accessibility for the whole population​

**Principles**

The principles provide records holders with examples of what good practice can look like to meet the needs and enhance the experience of care experienced people.

The principles are organised in sections to help records holders know which ones will be the most relevant for their unique circumstances.

The first section of principles can be applied to all care records processes. They focus on building an understanding of the unique context of survivors and other care experienced people in New Zealand.

**Principles for All Care Records Processes**

* Build trust by communicating proactively and following through on commitments​
* Build organisational understanding of the Treaty of Waitangi - Te Tiriti o Waitangi, and how it can be relevant to care records and applied through care records processes​
* Build organisational cultural competence and understanding of the impacts of systemic racism on care records
* Build organisational disability competence, responsiveness, and understanding of the impacts of systemic ableism on care records​
* Build organisational awareness of the impacts of trauma and abuse in care in New Zealand and provide supports to manage the risk of vicarious trauma for those working with care records​.

The next sections of the principles focus on the practices around creating and managing care records. These practice areas are important to address as people’s records need to be created well and kept safe to make access to them easy and meaningful.

**Principles for Creating Care Records**

* Create records with the care experienced person where appropriate, reflecting their voice and needs
* Create accurate records which include different voices and perspectives where appropriate, and reflect the person's whole care experiences
* Create care records for the care experienced person with an awareness of the enduring value to the person and their whānau, hapū, iwi, and community.

**Principles for Managing Care Records**

* Store and look after care records in a way which keeps them safe, is respectful, and allows access to be as quick and easy as possible ​
* Look for opportunities to identify the care records most valuable to people's identities in description and digitisation processes, including those of value to their whānau, hapū, iwi, and community​
* Consider the enduring value of care records to people and their whānau, hapū, iwi, and community in any decisions about their use, retention, or disposal and look for opportunities to involve them in these decisions​​

The final section of principles is more detailed and focusses on the practices around responding to requests and providing access to care records.

**Principles for Providing Access to Care Records**

* Provide people with as much of their life story as possible​
* Make each redaction decision on its own circumstances with consideration of the value of the information to the requestor ​
* Make people aware of their rights to review or appeal a decision to redact and explain how to do this​
* Make people aware of their rights to correct and add to their records, explain how to do this, and what this might mean for them​
* Be honest and transparent about using or losing people’s care records​
* Work with other organisations to make care records access easier and more meaningful for care experienced people​
* Empower people to make informed choices about how they engage through the access process and receive their care records​
* Provide tailored support to help all people understand and engage with the access process, including providing accessible information about the process​
* Provide people with the necessary context about care records to help them prepare to receive their information​
* Give whānau and support people the advice they need to support those accessing care records and to access any care records that they are legally entitled to​
* Be transparent about how long it could take to provide people’s care records and help them understand why
* Organisations should allocate enough resources to enable staff to communicate and meet required timeframes for providing records.