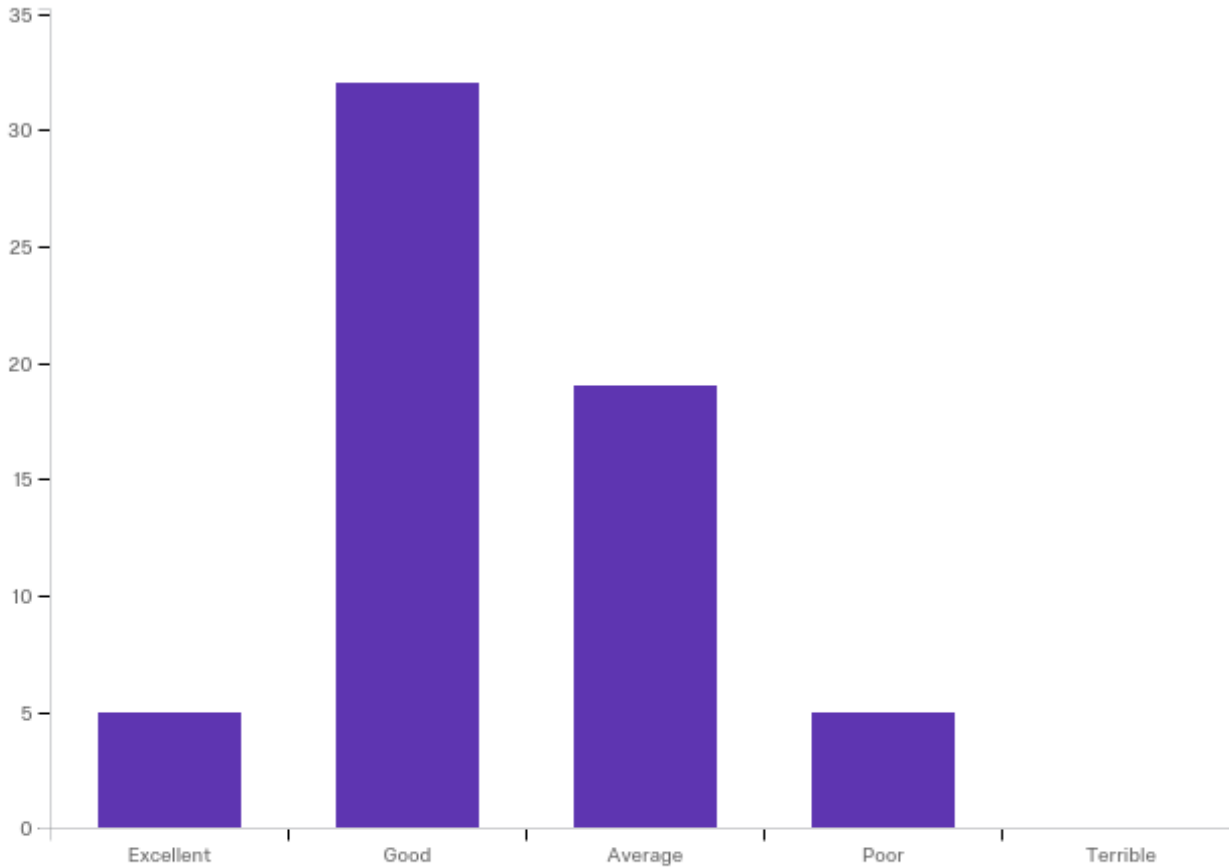




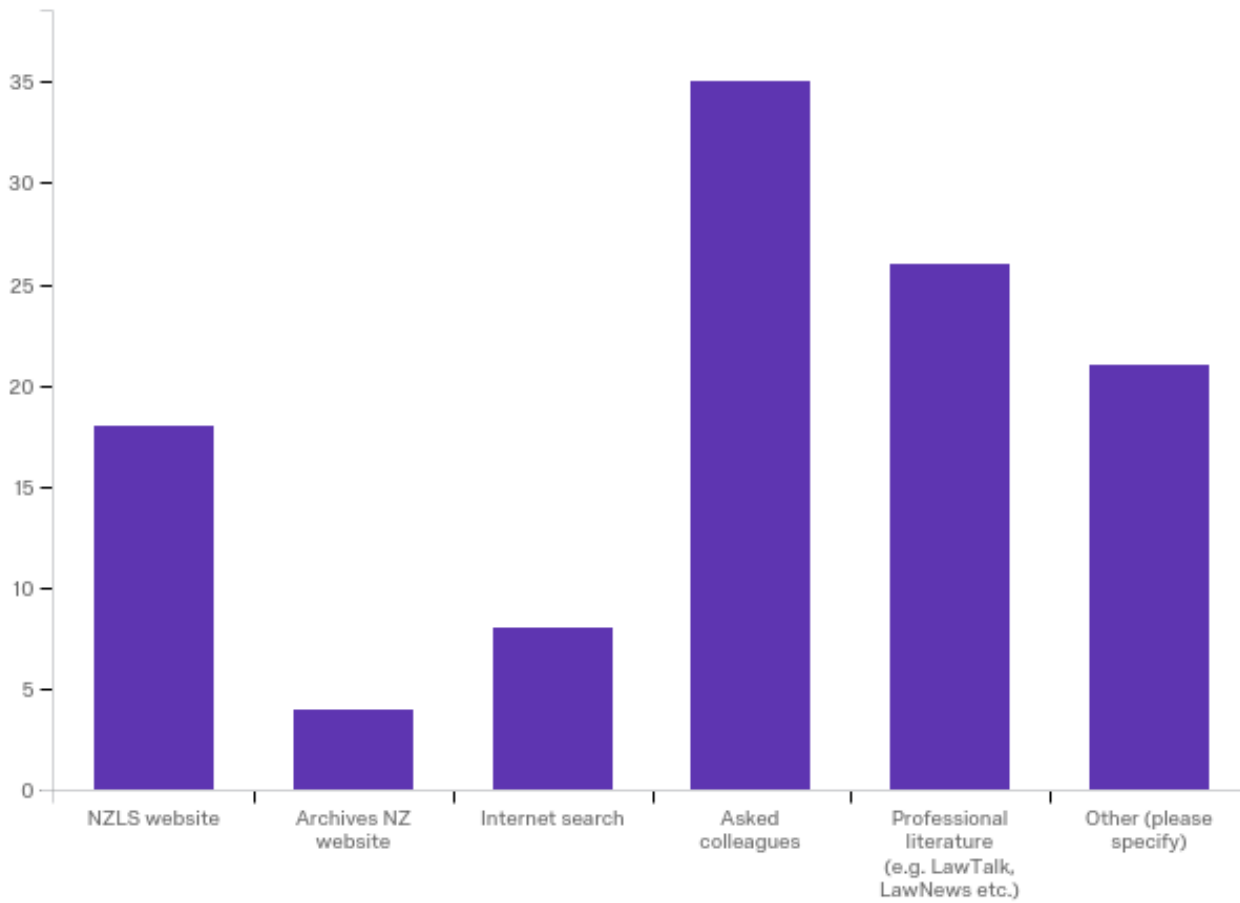
*Lawyers and recordkeeping survey – results report (primarily generated from the Qualtrics survey software used with some editing)*

**Q1 - How do rate your recordkeeping practices:**



Answer	%	Count
Excellent	8%	5
Good	52%	32
Average	31%	19
Poor	8%	5
Terrible	0%	0
Total	100%	61

**Q2 - Where have you searched for recordkeeping guidelines? Select all that apply.**

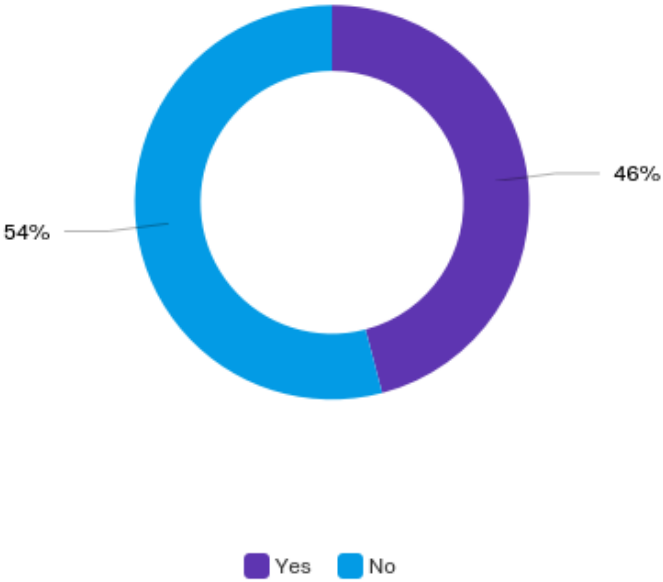


Answer	%	Count
NZLS website	32%	18
Archives NZ website	7%	4
Internet search	14%	8
Asked colleagues	61%	35
Professional literature (e.g. LawTalk, LawNews etc.)	46%	26
Other (please specify)	37%	21
Total	100%	57

## Q2 - Other (please specify)

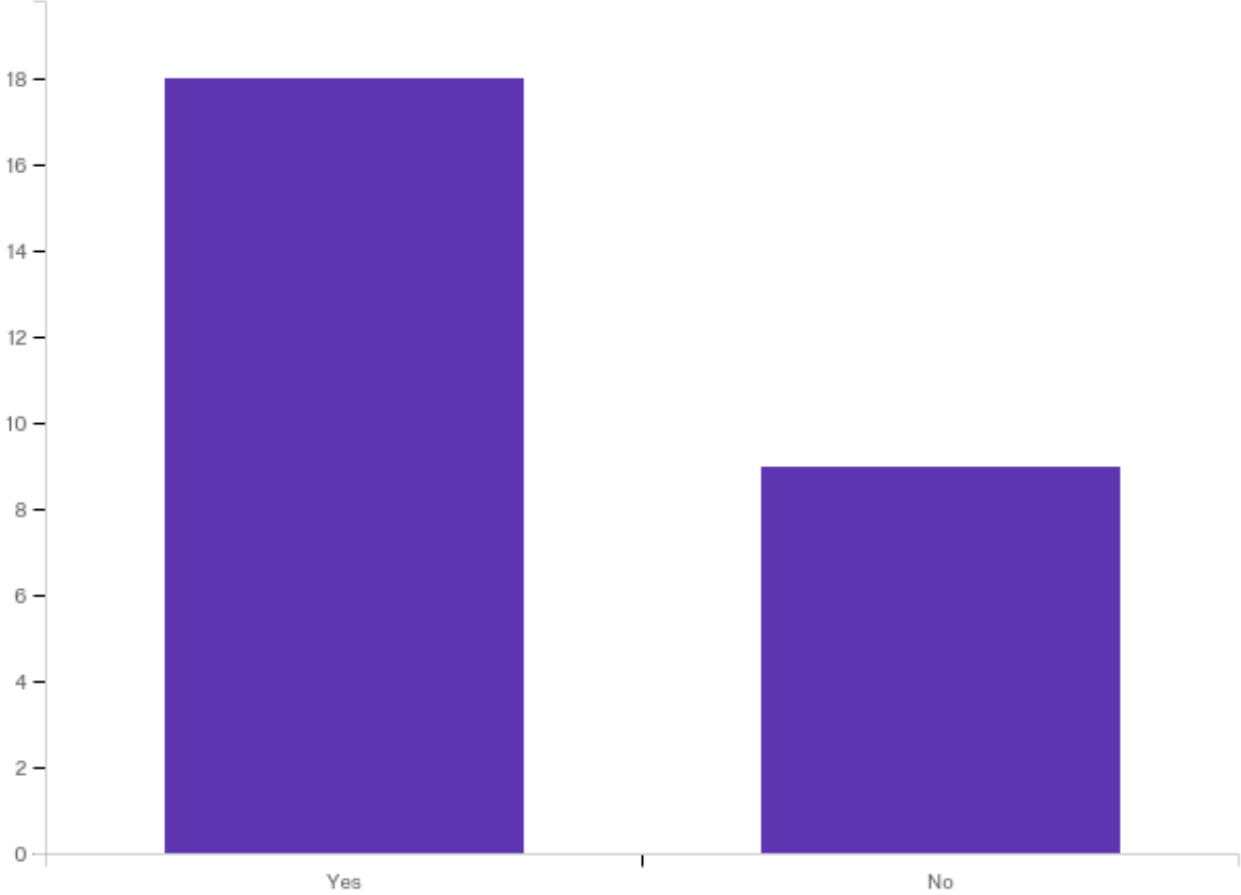
- experience
- standards set in my firm
- Blog
- never
- i have not asked
- records management consultants
- Experience as public servant
- Organisational recordkeeping guidelines; advice given by our knowledge adviser/librarian
- Practice managers meeting
- I was trained overseas, where we are much more ordered in our legal practice than in NZ. I have also seen lawyers here mess up completely because they don't keep file notes and can't remember what they did. It makes them a pushover for the other side and costs them a lot in negligence, whilst costing their clients even more.
- I made up my own system
- Professional Indemnity Insurance issued guidelines
- Nowhere
- used old methods
- Rules of Client Care, Ethics paper at university
- Nowhere
- legislation, ird web site
- nothing
- used methods which worked in previous jobs- teaching, unions etc
- Spoken to IT provider re e-solutions

**Q3 - Are you aware of the document retention guidelines accessible on the NZLS website?**



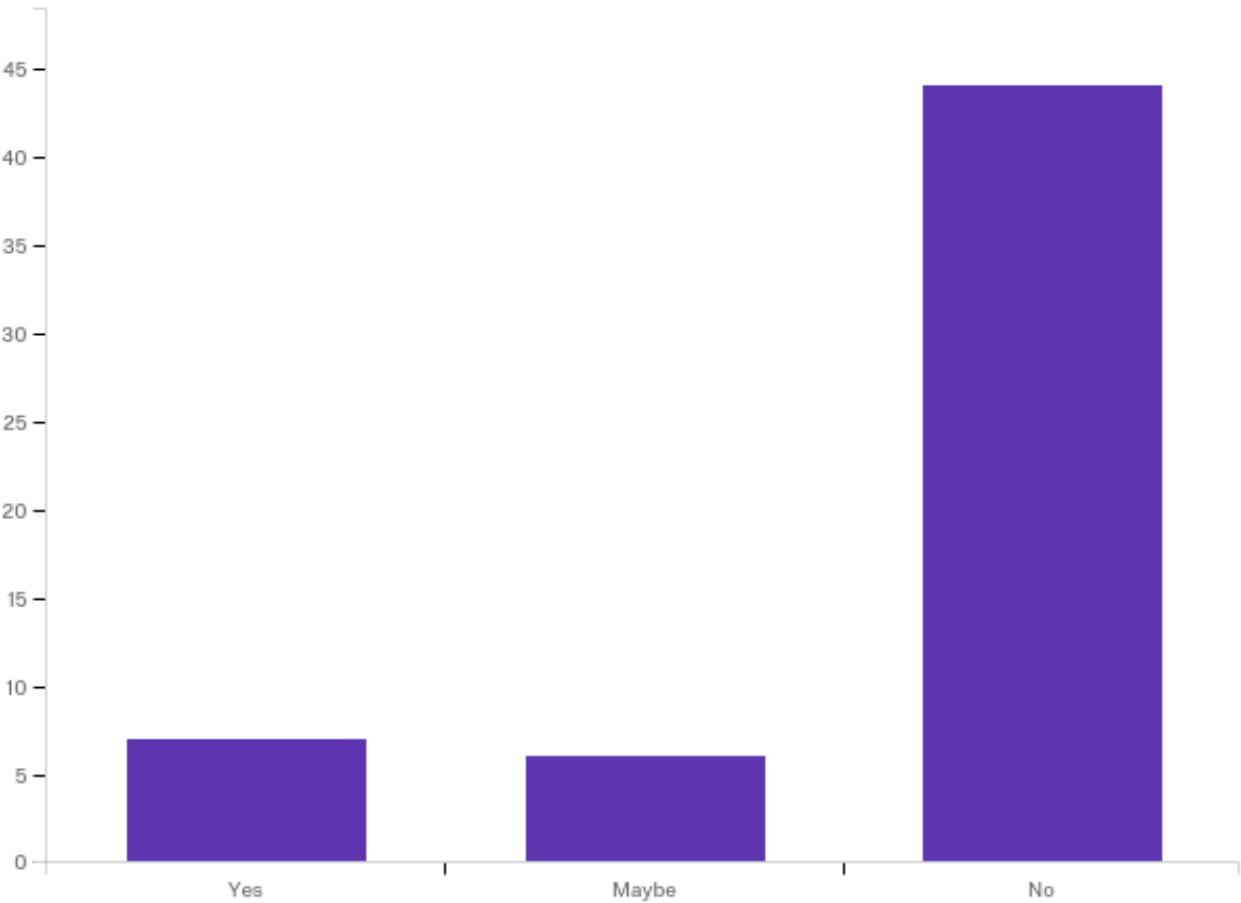
Answer	%	Count
Yes	46%	28
No	54%	33
Total	100%	61

### Q3A - Have you read the document retention guidelines?



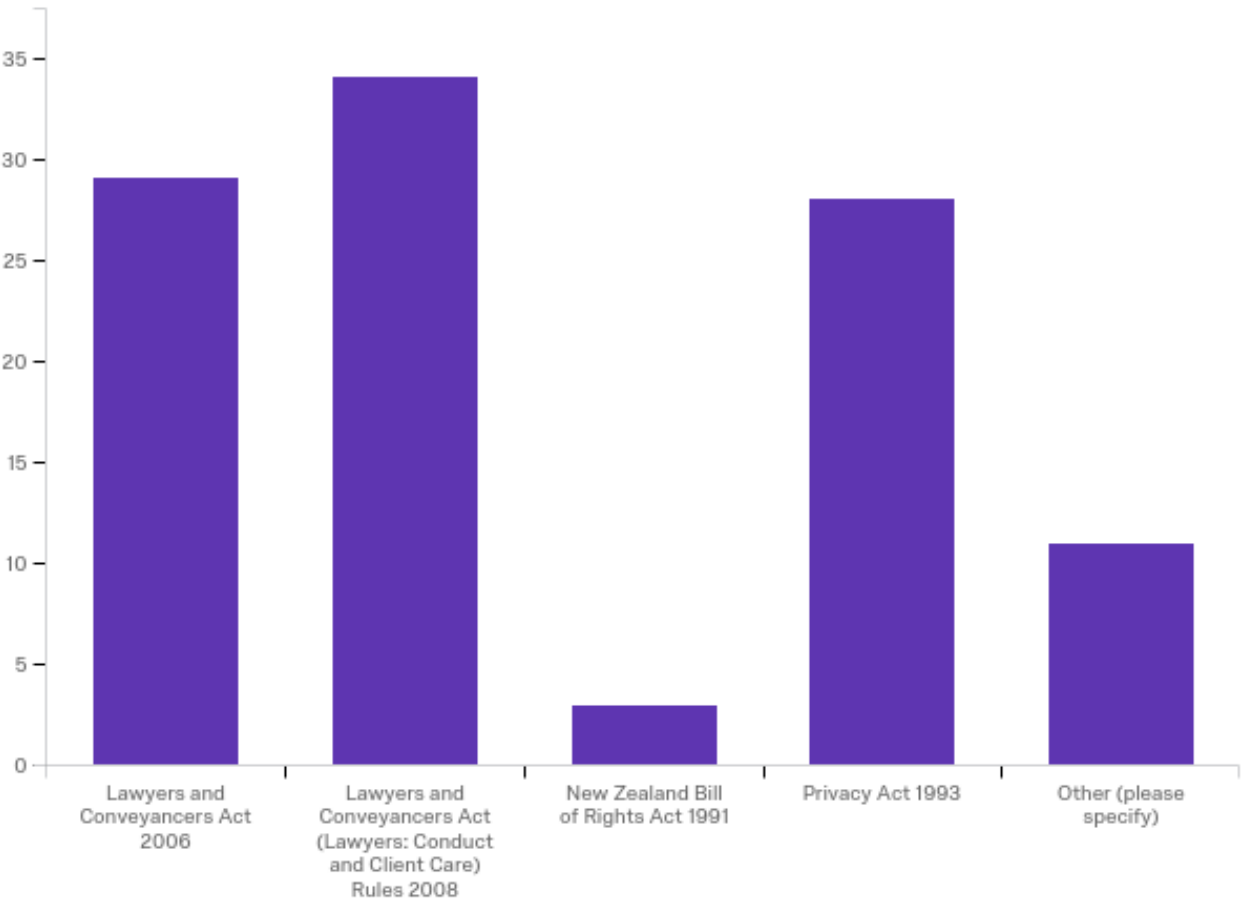
Answer	%	Count
Yes	67%	18
No	33%	9
Total	100%	27

**Q4 - Have you heard of ISO 15489 - the international standard for managing business records?**



Answer	%	Count
Yes	12%	7
Maybe	11%	6
No	77%	44
Total	100%	57

**Q5 - Have you ever consulted the following legislation specifically for recordkeeping reasons? Select all that apply.**



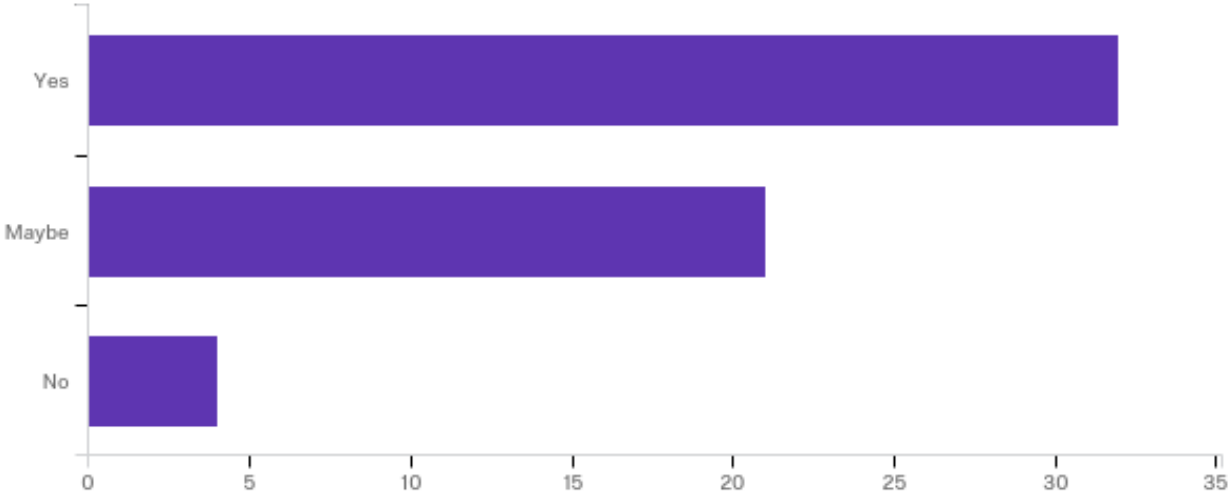
Answer	%	Count
Lawyers and Conveyancers Act 2006	58%	29
Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008	68%	34
New Zealand Bill of Rights Act 1990	6%	3
Privacy Act 1993	56%	28
Other (please specify)	22%	11
<b>Total</b>	<b>100%</b>	<b>50</b>

## Q5 - Other (please specify)

- Public Records Act
- Official Information Act 1982
- Public Records Act, Evidence Act
- IRD legislation
- Public Records Act
- Tax Legislation; Employment Legislation
- Electronic Transactions Act
- Income Tax Act

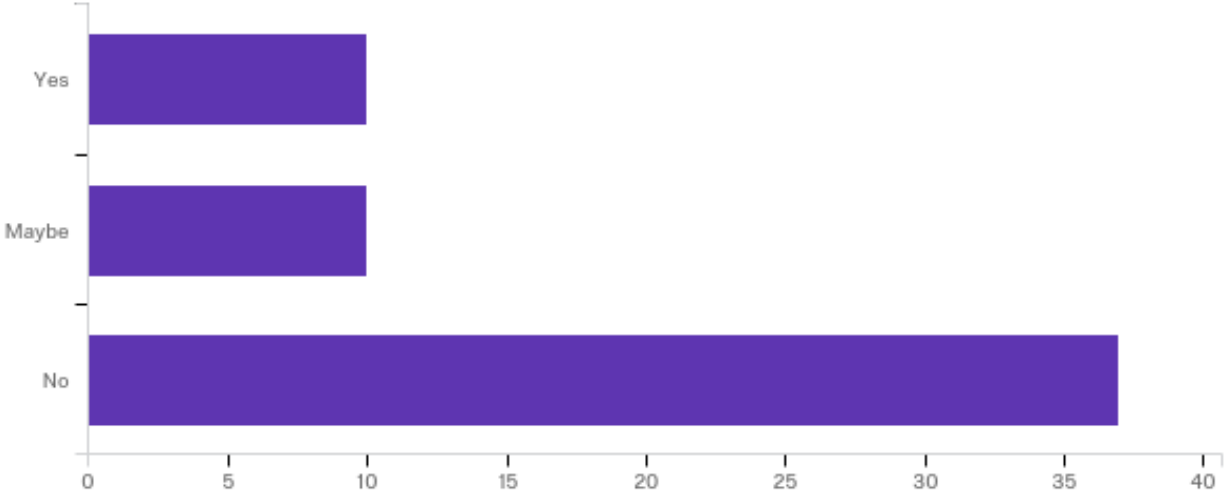


**Q6 - Are you familiar with your obligations under the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 with regards to recordkeeping?**



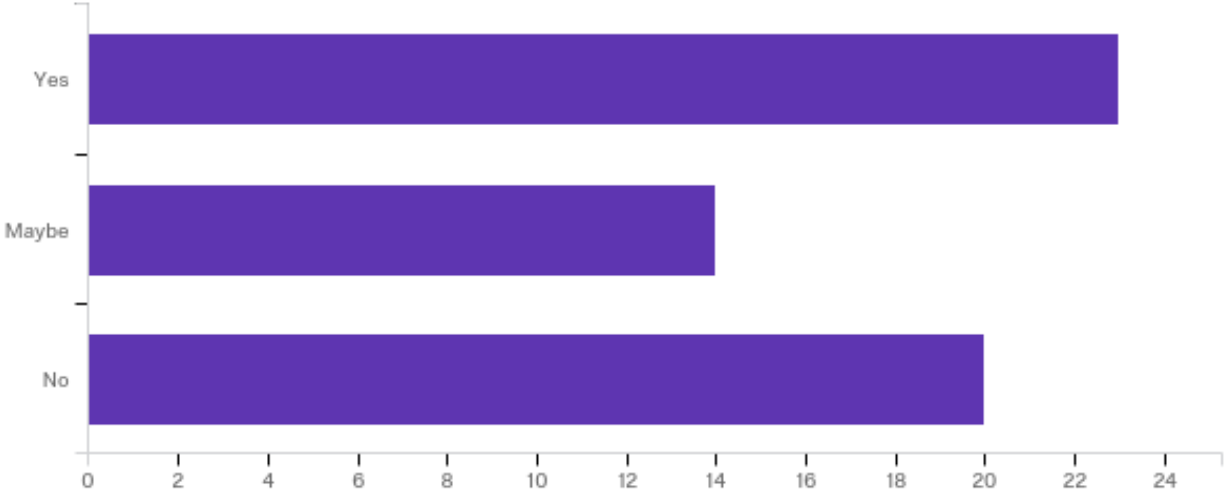
Answer	%	Count
Yes	56%	32
Maybe	37%	21
No	7%	4
Total	100%	57

**Q7 - Have the recent events surrounding the Panama Papers made you question your electronic recordkeeping practices?**



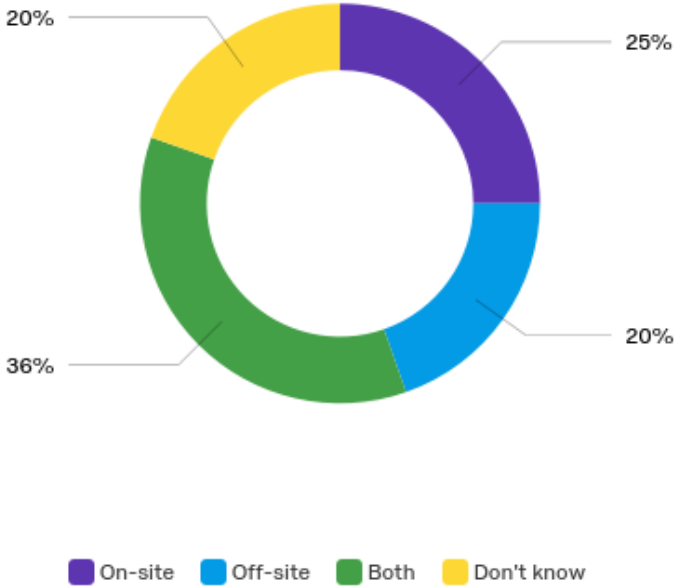
Answer	%	Count
Yes	18%	10
Maybe	18%	10
No	65%	37
Total	100%	57

**Q8 - Are you concerned about the security of your electronic records?**



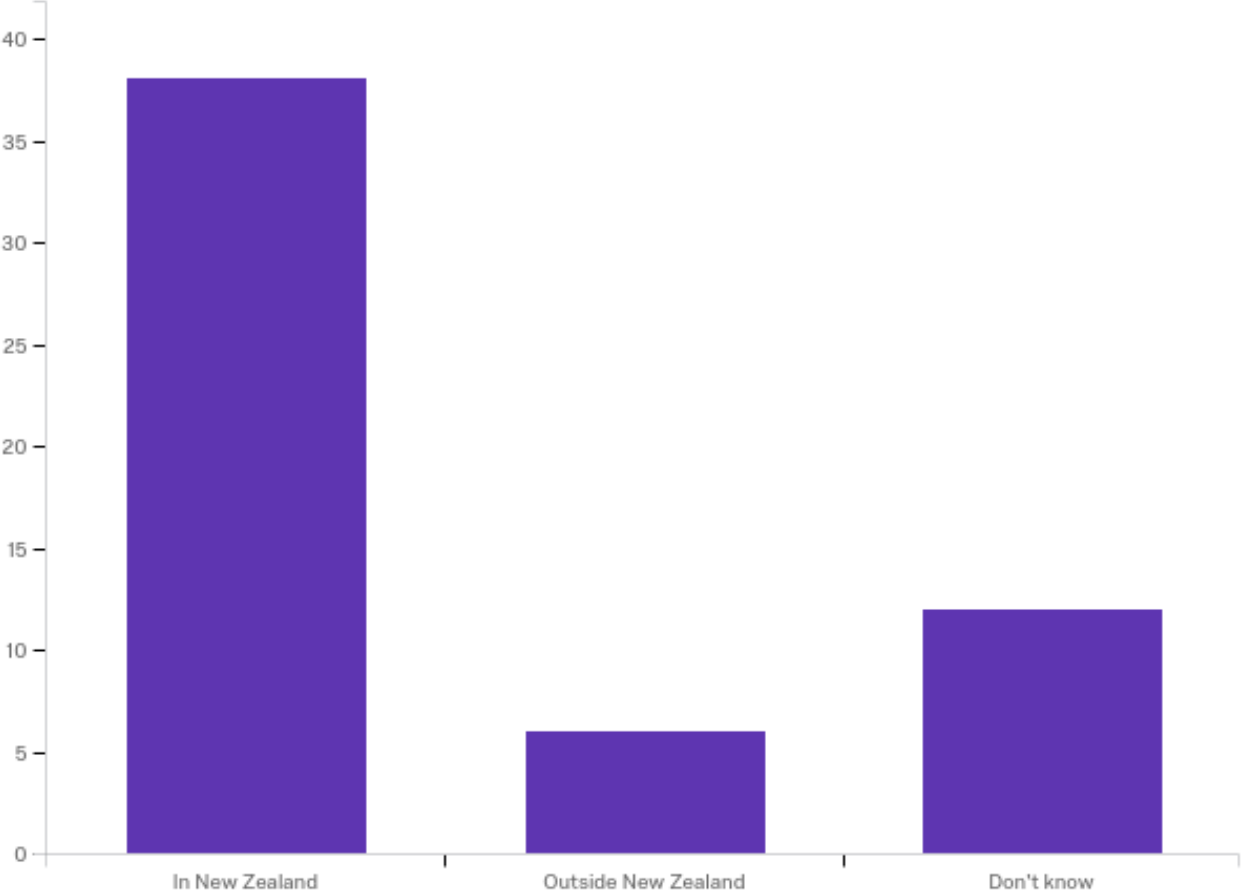
Answer	%	Count
Yes	40%	23
Maybe	25%	14
No	35%	20
Total	100%	57

### Q9 - How are your electronic records backed up?



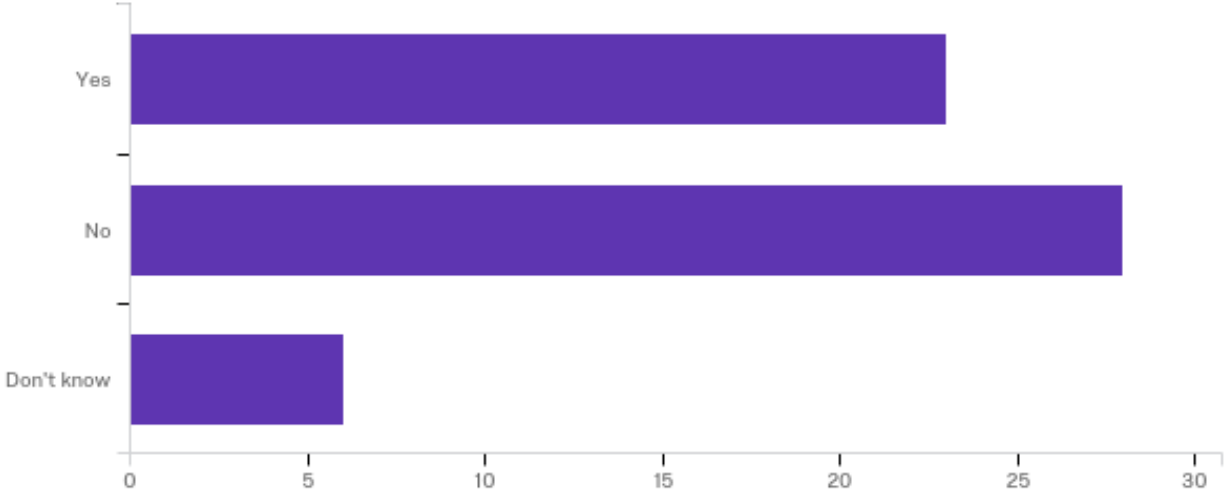
Answer	%	Count
On-site	25%	14
Off-site	20%	11
Both	36%	20
Don't know	20%	11
Total	100%	56

**Q10 - Ultimately, where are your backed up records stored?**



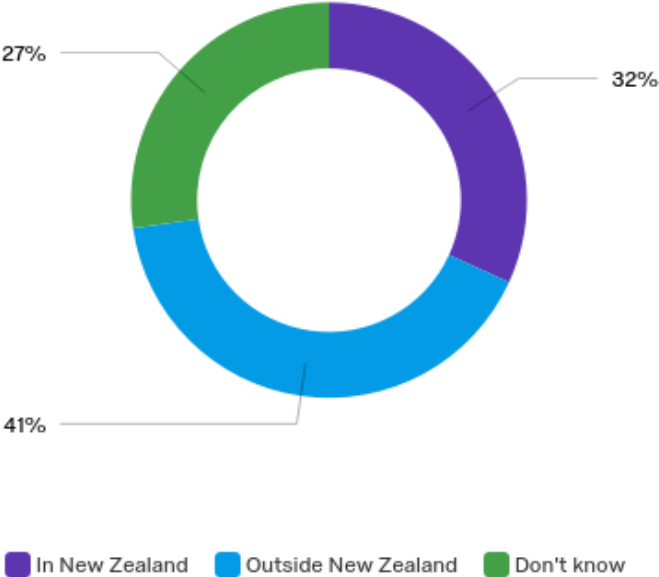
Answer	%	Count
In New Zealand	68%	38
Outside New Zealand	11%	6
Don't know	21%	12
Total	100%	56

**Q11 - Do you use cloud storage as part of your recordkeeping?**



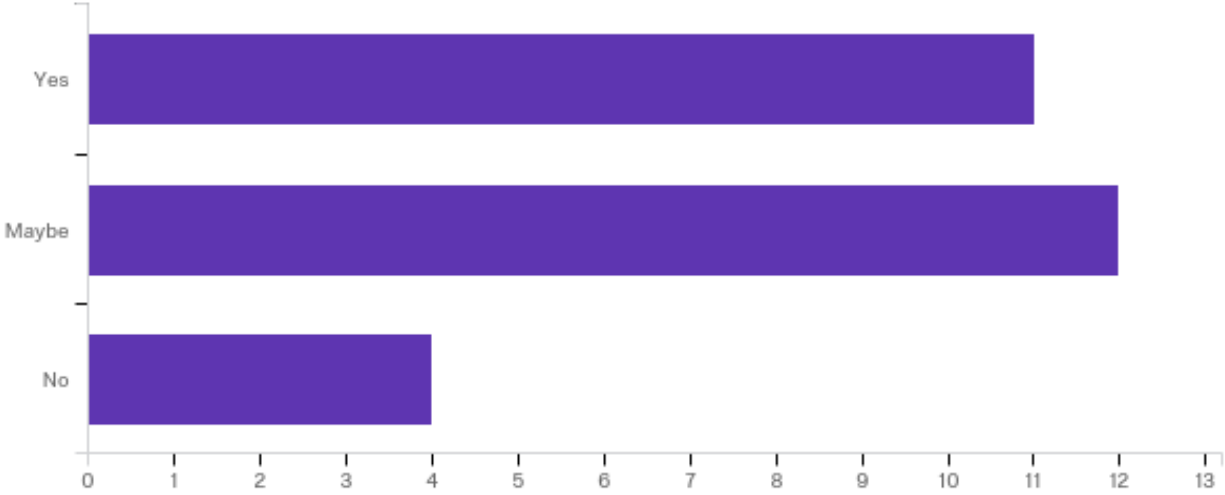
Answer	%	Count
Yes	40%	23
No	49%	28
Don't know	11%	6
Total	100%	57

### Q11A - Where is the cloud storage based?



Answer	%	Count
In New Zealand	32%	7
Outside New Zealand	41%	9
Don't know	27%	6
Total	100%	22

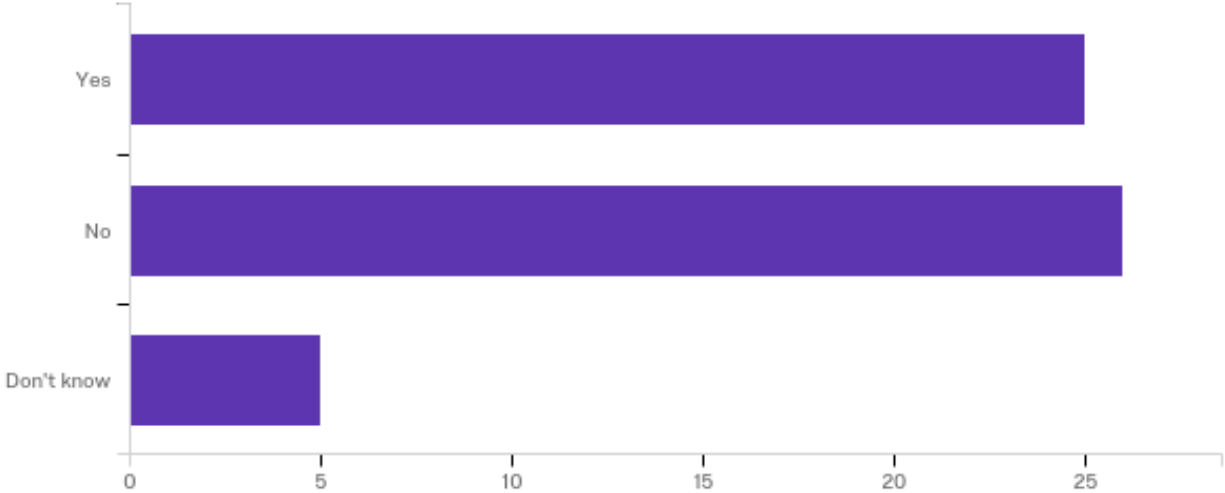
### Q11B - Would you consider using cloud storage in the future?



Answer	%	Count
Yes	41%	11
Maybe	44%	12
No	15%	4
Total	100%	27

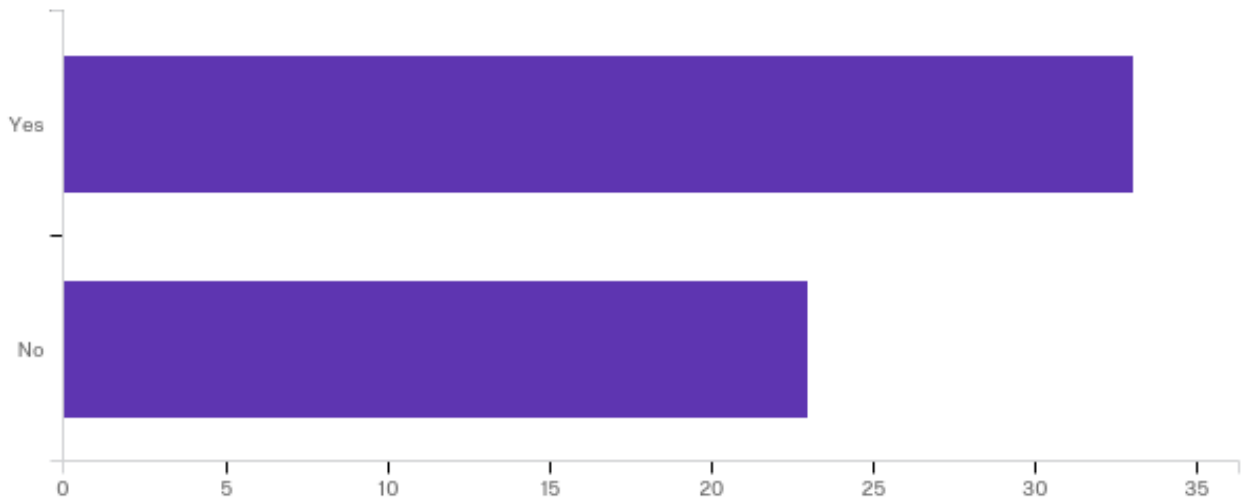


**Q12 - Do you use an electronic document and records management system (EDRMS) for recordkeeping and records management?**



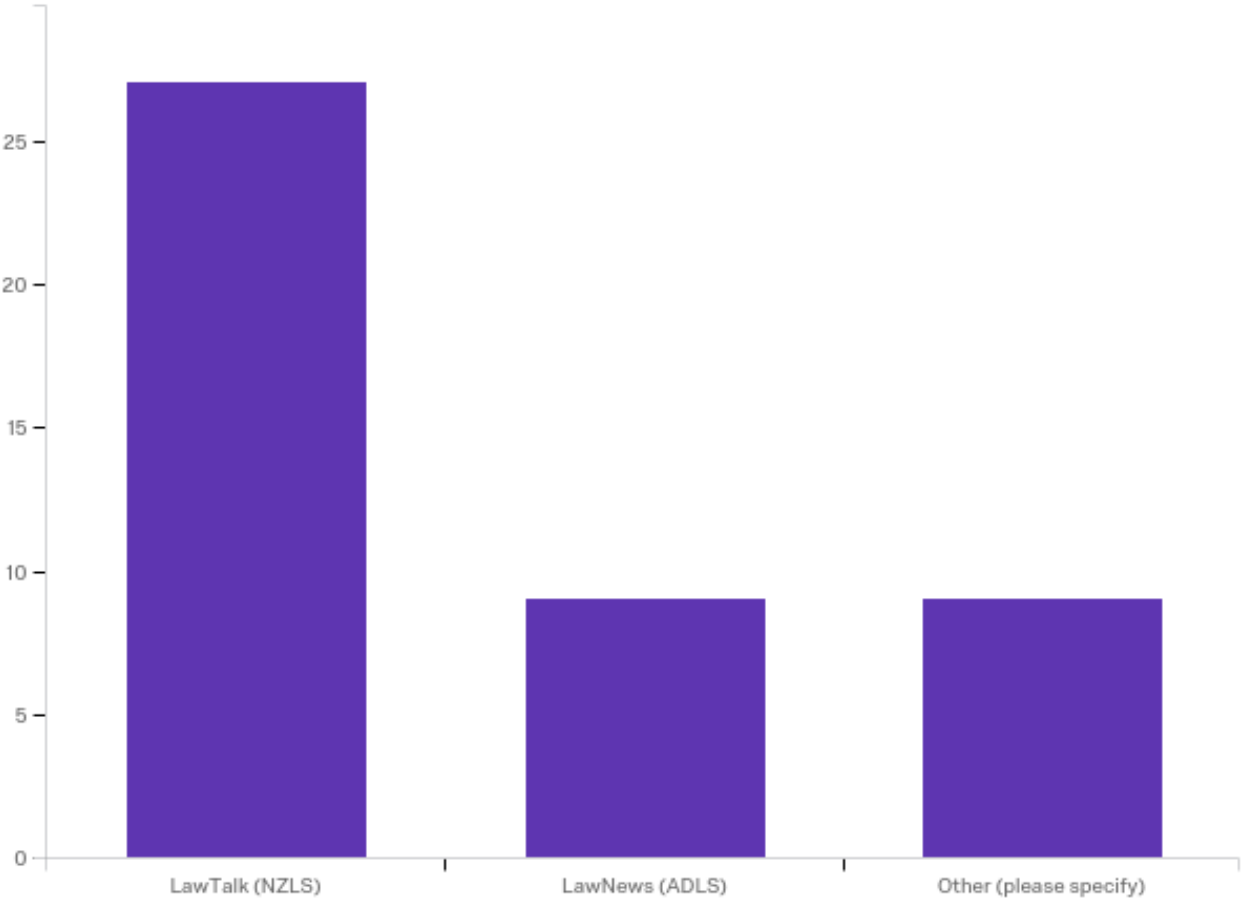
Answer	%	Count
Yes	45%	25
No	46%	26
Don't know	9%	5
Total	100%	56

**Q13 - Have you read any of the articles in the professional literature on records security?**



Answer	%	Count
Yes	59%	33
No	41%	23
Total	100%	56

**Q13A - Where were the articles from?**

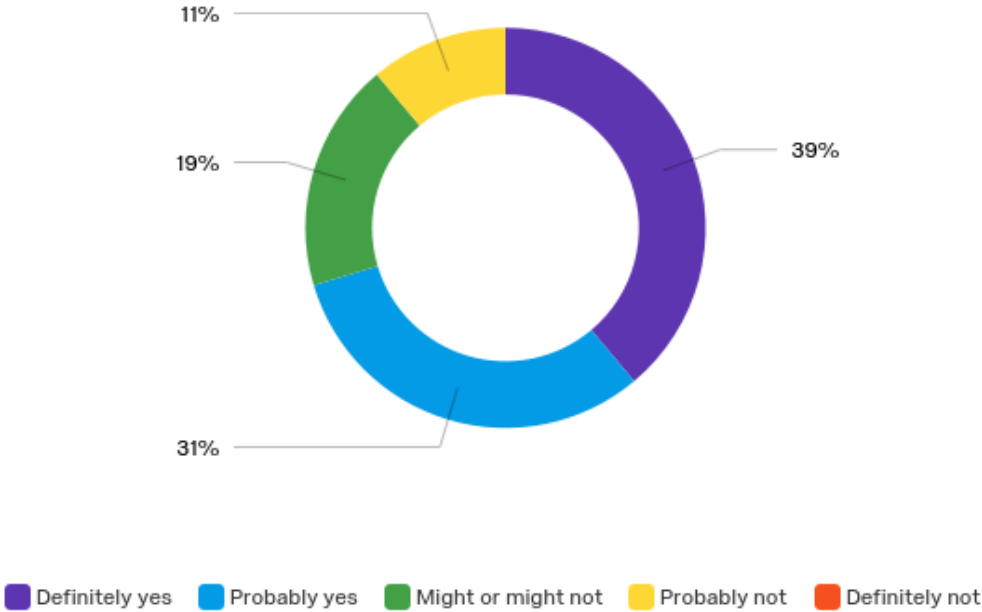


Answer	%	Count
LawTalk (NZLS)	87%	27
LawNews (ADLS)	29%	9
Other (please specify)	29%	9
Total	100%	31

### 13A - Other (please specify)

- IT articles
- Generalised articles of record security in IT related magazines
- Various online sources
- various
- Don't recall
- ALPMA
- LinkedIN, NBR, Wigley&Co articles
- CompTIA
- NZ Lawyer

### Q14 - Would you like more recordkeeping guidelines to be provided specifically for law practitioners?

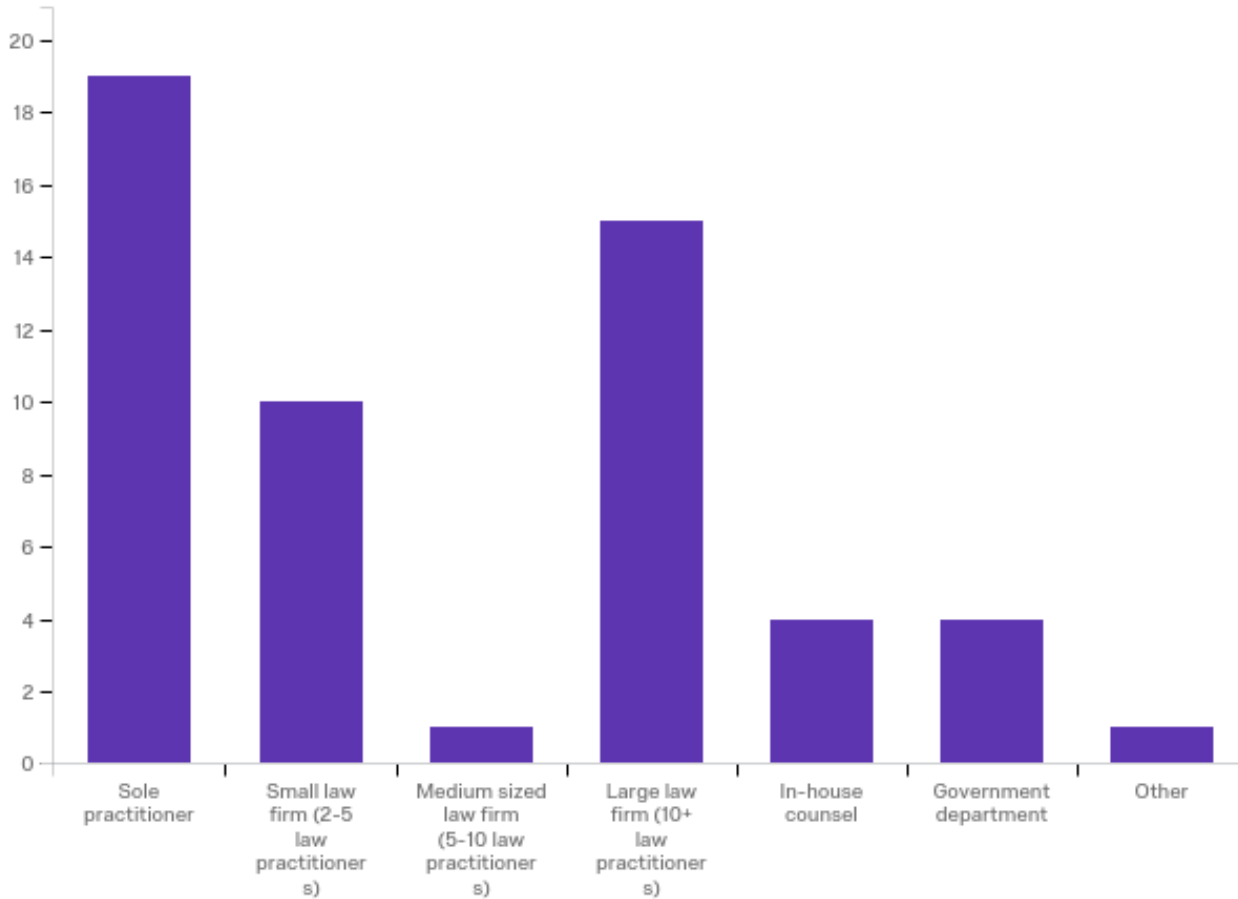


Answer	%	Count
Definitely yes	39%	21
Probably yes	31%	17
Might or might not	19%	10
Probably not	11%	6
Definitely not	0%	0
Total	100%	54

## Q15 - Are there any particular recordkeeping issues you would like guidelines on?

- How long obligations when request is made by client , who bears the costs
- Step by step guide to best practice for ensuring security of cloud based storage (in plain English!)
- Ensuring security of records at the same time as convenience of use; convenient ways to ensure everyone keeps electronic records to ensure a full electronic record of business; how to stop reliance on paper.
- Trusts information. These records are routinely destroyed after ten years without thought. They are actually needed forever as there is no limitation on those issues. At the very least offer them to the clients to keep and emphasise their importance. But in my previous jurisdiction that destruction would be serious negligence.
- Legal Aid files
- length of time for the particular area of practice. what belongs to the firm and what belongs to the client
- Cloud computing
- time recording
- retention of client documents
- Paper records- which are essential for parole clients as computers cannot be taken into the prison - are weighty and contain letters, articles etc. What must be kept? Currently I retain the whole file & it takes a lot of space....many "closed file" boxes.
- Electronic storage. Whether documents need to be retained that you know the client also has already, or which are not 'important' correspondence.

## Q16 - What size organisation do you work for?



Answer	%	Count
Sole practitioner	35%	19
Small law firm (2-5 law practitioners)	19%	10
Medium sized law firm (5-10 law practitioners)	2%	1
Large law firm (10+ law practitioners)	28%	15
In-house counsel	7%	4
Government department	7%	4
Other	2%	1
Total	100%	54

## Q17 - Please enter any other comments/thoughts you have on recordkeeping here:

- We write file notes, and retain files for 6 years, as required, and, sometimes we scan files so the physical file may be destroyed in the interests of space 3 years after work on a file ends, and a file is "closed"..
- We tend to follow in-house guidance on recordkeeping/storage as we do not have separate recordkeeping from the rest of the organisation.
- Bill of Rights Act is 1990, not 1991
- I try to be purely electronic so I scan all paper that comes in and which I need to keep and then file it in a relevant file. All client documents are file under client name and matter sub-folders with further sub-folders below each matter. Documents are filed by year/month/day/time with short narrative e.g. "1609082149 NOTES on survey completed on record keeping" and that would go in my y:\law\admin\stationery sub-folder. The y:\law directory is an encrypted directory in which all my law client and admin work goes. the law subdirectory is backed up each 10 days on to a portable hard drive and each entry I file during the day is copy and pasted to a usb drive for that day. At the end of each day that usb is copied onto another usb as well. I carry the usb drives round with me and also latest portable hard drive backup. I have 4 such portables and back up onto them alternatively.
- The costs are horrific to a business - whether electronic or hard copy. The law society needs to stop requesting hard copies of records when they need client files, as ours are stored electronically and means double handling.
- I don't think record keeping guidelines are necessary. Most know to keep records for insurance purposes should a client make a claim. Other than that.... excepting original documents, it is not a big issue.
- We tried to make sure our cloud storage for our client documentation was NZ based but then we use XERO for our accountancy package and so that is not NZ cloud based storage so it compromises our security of client info.
- My record-keeping is primarily to protect myself in the event of a professional negligence claim - which I have not had to date but you never know when you will strike a difficult or litigious client! The rules for lawyers on record-keeping are very much a secondary concern.