



13 February 2024

Tēnā koe

Official Information Act request

Thank you for your FYI request of 23 January 2024, requesting the most recent privacy policy in regards to requesting for personal information from the Ministry of Social Development (the Ministry).

I have considered your request under the Official Information Act 1982 (OIA). Please find my decision on your request set out below.

Please find attached **Appendix A**, which contains the most recent privacy policy information. Please note that parts of the document "On the Radar" have been withheld as out of scope of your request as they do not relate to privacy.


Please also find a set of useful links from the Work and Income website relating to privacy:

- www.workandincome.govt.nz/online-services/info/privacy.html
- www.workandincome.govt.nz/map/legislation/guidelines/privacy-act-2020-guidelines/requests-for-personal-information.html
- www.workandincome.govt.nz/map/legislation/guidelines/privacy-act-2020-guidelines/responding-to-a-request-for-personal-information.html

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course. If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request relating to requesting personal information from the Ministry, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

p.p. 

Magnus O'Neill
General Manager
Ministerial and Executive Services

Privacy policy and guidelines

Privacy Strategy

Privacy is key to gaining our clients' trust – and trust is critically important if we want to share more information and leverage the value of it to enable better outcomes for clients. Our Privacy Strategy sets out our privacy and personal information management aspirations and are foundational building blocks in raising our maturity through some guiding principles.

We are committed to keeping personal information safe and to protecting the privacy of our customers, staff, their families and the organisations that deliver our services, as well as ensuring that people get access to the information that they are entitled to.

Our strategic principles are:

- Be trustworthy through transparency
- Be influential leaders
- Be careful – minimise harm
- Be respectful
- Be mindful in the use and sharing of data
- Be Embedders of privacy
- Be responsible when things go wrong

If you have any questions about what this means for you, please contact PrivacyOfficer@msd.govt.nz [mailto:PrivacyOfficer@msd.govt.nz]

Privacy Policy

The Ministry has an enterprise-wide privacy policy. It outlines the minimum standards of behaviour required to comply with the Privacy Act as well as our expectations of all staff.

This policy aligns with the Privacy Strategy and describes our commitment to protecting the personal information we have in our control, throughout its life-cycle.

The 13 Information Privacy Principles reflect an internationally accepted standard of personal information creation, collection, handling, security, accuracy, retention, use and disclosure. Guidelines as to how these work in practice are coming soon.

Information Sharing Guide

The [Information Sharing Guide](http://doogle/documents/helping-you/information-hub/privacy/infosharingguide.pdf) [http://doogle/documents/helping-you/information-hub/privacy/infosharingguide.pdf] was developed in collaboration with other government departments and can be used to help decide whether to disclose information with other agencies. It explains the process of releasing information, describes common situations, and provides a decision-making tree to ensure disclosures are legitimate.

The guide is intended to help frontline staff when they're asked to disclose (or when they want to disclose) information to other agencies such as NZ Police, Ministry of Justice, Department of Corrections, NZ Customs Service and Housing New Zealand. These agencies may cite this guide when making requests for information.

Please note the guide is not intended to replace existing guidance, but is meant to support current processes. It is also limited to one-off disclosures of information - if you're asked to, or want to, provide information on a regular or ongoing basis, another process may need to be followed. Contact the Information Group via PrivacyOfficer@msd.govt.nz [mailto:PrivacyOfficer@msd.govt.nz] for more information.

[Information Sharing Guide \(PDF 451.27KB\)](http://doogle/documents/helping-you/information-hub/privacy/infosharingguide.pdf) [http://doogle/documents/helping-you/information-hub/privacy/infosharingguide.pdf]

Privacy Act 2020

The Privacy Act 2020 promotes and protects individual privacy.

[Privacy Act 2020](http://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html) [http://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html]

Released under the Official Information Act 1982

How to handle requests for personal information

This page explains what 'personal information' is, people's rights to access their personal information, and the process for handling access requests. You can find templates to help you manage requests under 'Related links'.

On this Page:

What is 'personal information' about someone?

Personal information is information about an identifiable person.

At MSD, we hold many different kinds of personal information, such as: people's names, addresses and other contact details, birthdates, etc. We may also hold clients' medical, financial, and employment information, and information about their families and living situation.

This information is held in documents, emails, notes, and reports, and is stored in many places, including CMS, EDRMS (Objective), physical files, and core systems like SWIFTT, TRIM, and HIYA.

A person doesn't need to be named for the information to be "personal information". If the information tells us something about them, and our systems can link it back to them, then it is personal information.

People have a right to ask for their own personal information

Under the Privacy Act 2020, people are entitled to ask us:

whether the Ministry has personal information about them, and
for access to any personal information that we hold about them.

We call these 'access requests'.

Timing

Under the Privacy Act we have 20 working days to respond to access requests. The Office of the Privacy Commissioner's website has a [Response Calendar \[https://privacy.org.nz/\]](https://privacy.org.nz/) to help you work out the response due date on Privacy Act Requests.

There's a limited range of reasons for refusing an access request. For example, some of the information may not be provided if the information would endanger the life or health of the requester or another person. If we refuse an access request, we must still respond to them within 20 working days and let them know we are refusing their request. If you don't know whether the information can be released, or if you think there is a risk that the information might endanger the health or safety of the requestor or another person if we release it, then contact PrivacyOfficer@msd.govt.nz [mailto:PrivacyOfficer@msd.govt.nz] for advice.

It doesn't matter why they want it

People don't have to give us a reason for asking for access to their information. If it's about them, they're entitled to get it, unless the law allows us to say no.

They don't have to spell out what they want

People often ask for "all the information you have about me".

The Privacy Act doesn't require them to be more specific and people often can't be more specific because they don't know what we hold – that's why they're asking.

Talk to the requester

It's fine to have a conversation with the person about what they need – that might be helpful for them. They may ask for all the information we hold about them, but in fact only want to know how we've calculated their benefit, or what records we have about their medical history.

By talking to them, you might be able to narrow down the search parameters, which will make it quicker and easier for you to respond to them. However, if they want everything, we must consider their request.

They don't have to mention the Privacy Act

Requesters don't always mention the Privacy Act when they ask for their information. Sometimes they get it wrong and talk about the Official Information Act instead.

It doesn't matter. It's up to us to know that if they ask for information about themselves, then the Privacy Act applies.

Helpful links when responding to Privacy Act Requests

Requesting Call Recordings

To request call recordings (*Except* when it's for NZ Police evidential purposes or security incidents, fill in the [Business Request for Call Recordings form](http://doogie/helping-you/msd-service-desk/forms-and-requests/business-request-for-call-recordings.html) [http://doogie/helping-you/msd-service-desk/forms-and-requests/business-request-for-call-recordings.html] on Doogie.

An analyst then burns the specified recordings onto a CD and couriers it to the appropriate office/staff member to include with their reply.

You won't necessarily know the specific dates of the calls or the IDs/staff the requestor wants. In this case, just write the date range and any of the client's known phone number(s).

Requesting Emails

There's two parts to this process, depending on what we know about how the individual has been interacting with MSD:

When we know every staff member who would have sent or received emails about the client, we can reach out to the Windows Team in IT, who can carry out searches for relevant emails; or

When we don't know every staff member who has sent or received emails about the client, we can reach out to the Internal Integrity Team in Workplace Integrity, who can use the RAFT system to search for relevant emails.

When you need to know what members have accessed a client's record, use the [Audit Request Form](https://doogie.ssi.govt.nz/helping-you/msd-service-desk/forms-and-requests/audit-request-form.html) [https://doogie.ssi.govt.nz/helping-you/msd-service-desk/forms-and-requests/audit-request-form.html].

Requesting client information stored within M365

Some client information could be stored within Microsoft 365 (Microsoft Teams; One Drive; Exchange Online; SharePoint or other applications). Email [the Information Group](mailto:infohelp@msd.govt.nz) [mailto:infohelp@msd.govt.nz] for help extracting this information.

The step-by-step process for responding to an access request

[Download the guide to managing access requests for personal information](https://doogie.ssi.govt.nz/documents/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/handling-a-personal-information-request-2.pdf) [https://doogie.ssi.govt.nz/documents/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/handling-a-personal-information-request-2.pdf]

Some helpful templates for responding to an access request are linked on the left-hand side of this page.



MINISTRY OF SOCIAL
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TE MANATŪ WHAKAHIATO ORA

On the Radar

What you need to know this week

Monday 28 August – Sunday 3 September 2023



Manaaki • **Whānau** • **Mahi tahi** • **Tika me te pono**

On the Radar

Welcome to On the Radar!

This week, we're diving into the differences between a Privacy Act request and an OIA request. This is super important to get right, so make sure you're getting a good score in that quiz!

Out of Scope

You're welcome to share this toolkit with your people or use it as a resource at your team meetings or discussions.

Remember, if you click on a topic below it'll take you straight to the info.



[Deep Dive: When people ask for personal info](#)

Out of Scope

Out of Scope

Deep Dive: When people ask for personal info [1/3]

People have a right to ask for their own personal information, but you need to be careful.



Clients trust us with their personal information and we all have a legal responsibility to protect it.

A Privacy Act request is when a person asks for personal information about themselves.

- It can be in any format - phone, face-to-face, email, letter, online, text.
- Someone else with written authority to act on behalf of the client (e.g. a lawyer, family member or advocate) may request the client's personal information. Always verify their identity and the paperwork.
- People may ask for information about their own children (under 16-years-old).
- Privacy Act requests are handled by the regional sites where the info is held.



More Privacy Act info:

[How to handle requests for personal information – Doogle](#)

[HIYA - Privacy Act / Official Information Act](#)

PrivacyOfficer@msd.govt.nz

An Official Information Act (OIA) request is when a person asks for information about someone else, or about MSD processes, operations or other official information.

Pass OIA requests to OIA_requests@msd.govt.nz.

Clients may not know the difference between personal and official information, but it doesn't matter.
It's our job to know the difference, and what to do.



Test yourself on the next page...

Deep Dive: When people ask for personal info [2/3]

Privacy Act / OIA quiz

Which of the situations are privacy or OIA issues (or perhaps both...)?

1. Client requests their full record of personal information and debt under the OIA.

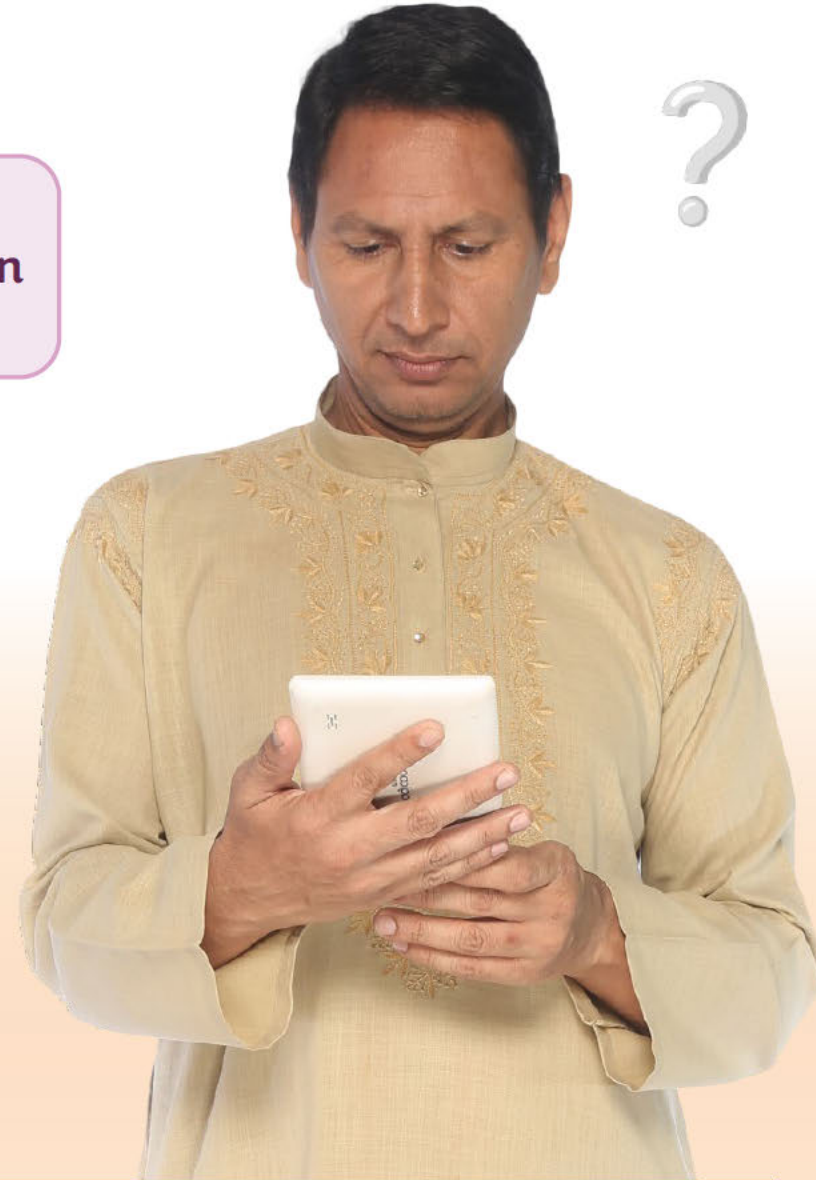
2. Father requests information relating to his children, held on his own record and on their mother's record (his ex-partner).

3. Parent wants to know steps taken to decide rate of child's disability allowance.

4. Husband request details of wife's disability benefit. He is on her file as an authorised agent

5. Lawyer acting on behalf of a client seeks a summary of all payments made to client. Request includes a letter of engagement.

6. Client wants all documents relating to their review of decision, how it was made, material used and the training of staff to make the decision.



Deep Dive: When people ask for personal info [3/3]

Privacy Act / OIA quiz | Answers

1. Client requests their full record of personal information and debt under the OIA.

Privacy Act – even though they mentioned the OIA.

4. Husband request details of wife's disability benefit. He is on her file as an authorised agent

Privacy Act – you must verify husband's identity and paperwork.



2. Father requests information relating to his children, held on his own record and on their mother's record (his ex-partner).

Maybe both - but be careful!

Requests involving partners or former partners need great care. Releasing information to the other partner could put them at risk.

Some information, like children's medical treatment or education, may be disclosed to parents under the Privacy Act. But some information may belong to the other parent, and would need to be answered under the OIA.

In situations like this, email OIA_requests@msd.govt.nz and PrivacyOfficer@msd.govt.nz for help.



5. Lawyer acting on behalf of a client seeks a summary of all payments made to client. Request includes a letter of engagement.

Privacy Act – you must verify identity and letter of engagement.

3. Parent wants to know steps taken to decide rate of child's disability allowance.

OIA – they're asking about a process.

6. Client wants all documents relating to their review of decision, how it was made, material used and the training of staff to make the decision.

Both! Privacy Act covers the client's Review of Decision. OIA covers how the process of how it was made, staff training, materials used etc.

Access requests for personal information

Guidance material for Ministry staff

May 2018



MINISTRY OF SOCIAL
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i safe

The purpose of this document

The Ministry is strongly committed to protecting personal information properly. Our clients and our staff trust us to keep their information safe.

This document contains some information about:

- personal information and what it is
- people's rights to access personal information
- the process for handling access requests.

Call the [Information Privacy and Sharing team](#) and we will help you through.

The basics

What is “personal information” about someone?

Personal information is information that identifies a person. In other words, it's anything which tells us something about a specific individual. In this document, it is information about the requester themselves.

At the Ministry, we hold many different kinds of personal information such as people's names, addresses and other contact details, birthdates, etc. In relation to clients, we may also hold medical, financial and employment information, and information about their families and living situation.

This information is held on documents, emails, notes and reports, and is stored in many places such as CMS, EDRMS (Objective), physical files, and core systems like SWIFTT, TRIM, and HIYA.

A person doesn't need to be named for the information to be “personal information”. If it tells us something about them, and our systems can link it back to them, then it is personal information.

People have a right to ask for their own personal information

Under the Privacy Act 1993, people are entitled to ask us:

- whether the Ministry has personal information about them
- for access to any personal information that we hold about them.

We call these 'access requests'.

Generally, we give it to them

There's a limited range of reasons for refusing an access request. For example, some of the information may not be provided if the information would endanger the life or health of the requester or another person.

It doesn't matter why they want it

People don't have to give us a reason for asking for access to their information. If it's about them, they're entitled to get it, unless the law allows us to say no.

They don't have to spell out what they want

People often ask for "all the information you have about me".

The Privacy Act doesn't require you to be more specific and people often can't be more specific because they don't know what we hold – that's why they're asking.

Talk to the requester

It's fine to have a conversation with the person about what they need – that might be helpful for them. They may ask for information we hold about them, but in fact only want to know how we've calculated their benefit, or what records we have about their medical history.

By talking to them, you might be able to narrow down the search parameters, much of which will make it quicker and easier for you to respond to them. However, if they want everything, we must consider their request.

They don't have to mention the Privacy Act

Requesters don't always mention the Privacy Act when they ask for their information. Sometimes they get it wrong and talk about the Official Information Act instead.

It doesn't matter. It's up to us to know that if they ask for information about themselves, then the Privacy Act applies.

The Process

1 Assess and acknowledge the request

Privacy Act requests have to be answered within 20 working days. So it's important to make sure that:

- we've got a record of the request and when it was received
- it ends up on the desk of the person that can answer it quickly
- we confirm to the person that we've received their request.

You can use the [acknowledgement template](#).

2 Are we able to give people the information?

Before we release information to people, we need to make sure that they are who they say they are and they're requesting information about themselves.

While you're doing this, it's a good idea to ask the requester things like:

- checking what form they want the information in (e.g. electronic or paper)
- making sure we've got the right details for where to send the information and how to send it
- clarifying, as far as possible, exactly what information they want.

If someone's asking for information on someone else's behalf, make sure you verify that they're authorised to represent the person.

3 Find out if we have the information

If we don't hold the information and don't know who does

We can refuse the request on the grounds that we don't hold the information, or that it doesn't exist or can't be found.

You can use this [template letter](#) to decline the request.

4 Find the information

Sometimes it's easy to track down the information that someone's asked for. But sometimes, it means going into different systems.

We only need to provide what the client asks for, so once you clarify the request, you can contain your search to the required information. This will mean you can respond more quickly.

For most client requests, you'll need to look in core client systems (e.g. CMS), physical files, and (if the client is case managed) the emails and text messages of that case manager.

5

Prepare the release

Give yourself space

If you have a pile of physical documents, try to go to a clear desk, away from your phone or email, or other distractions.

If you have electronic documents, it's important that you concentrate fully on the content of the documents while you're preparing them.

Check if anything needs to be withheld

You can only withhold information if one of the reasons in the Privacy Act applies. So it's important to be aware of these reasons and look out for them in the documents.

The most common things you'll find that could be withheld include information:

- about another person other than the requester
- that is legal advice that we've asked for or received from a lawyer
- that could endanger someone if it was revealed to requester
- that could affect a current fraud investigation if it was revealed now

The Information Privacy and Sharing team are experts who can help if you're not sure whether the information should be withheld, so make sure to contact them if you have any questions.

How do you withhold information?

We mustn't withhold a whole document if we can protect the information by deleting part of it instead. This is known as 'redacting'.

When you're redacting information, make sure you do it properly so the information genuinely can't be seen.

The best way to redact information is to use special software. Adobe Pro is a product that's available for MSD staff at additional cost. Adobe Pro will enable you to remove information on electronic documents and each office should have a licence, if your budget allows.

A less technical option is to use a Sharpie or Vivid pen to draw over the information you want to redact. For large blocks of text, you could also cut and paste paper or tape over the relevant information. It's a little messy and you need to be careful to:

1. Print your document one sided
2. Be careful not to accidentally cover content that needs to be provided to the requester
3. If you're withholding information for a number of reasons, indicate on the documents which Privacy Act section the redaction is made under
4. Scan or photocopy the redacted documents and provide the copy to the requester (this is to ensure that the original text can't be seen underneath).

State the reasons for withholding information

You must explain to the requester why you've withheld the information, and cite the relevant Privacy Act section/s in your covering letter.

Check before releasing

Make sure the information is complete, that all redactions are properly made, and that you haven't inadvertently included anyone else's information or scooped up another piece of paper from the printer.

Make sure you're sending the right information to the right person at the right address.

Getting someone else to double-check it can be useful.

Make a copy of what you're releasing

Keep a copy of what you're releasing and what you withheld. It's also a good idea to ensure the pages are numbered for convenience.

The quickest way to copy the release is usually to:

- scan a complete copy of the unredacted information that was covered by the request, and
- scan a complete, redacted copy of what you release and keep a copy on the client file.

You probably won't be able to remember what you withheld and what you released later. The requester may come back in a few months asking for the information again, or an update to the information. Keeping a copy of the release means you don't have to prepare it all again from the start.

If the Privacy Commissioner ends up investigating our response to the request (e.g. in response to a complaint), you'll need to show what you sent to the requester and provide complete copies of anything that you withheld.

Release the documents

Your covering letter needs to tell the requester that they have a right to complain to the Privacy Commissioner about the response.

If you've withheld any of the information, you can use this [template cover letter](#). If you're providing the information in full with nothing withheld, you can use this [specific template cover letter](#). In either situation, you will probably need to make changes to the template to fit the circumstances, and to personalise it for the requester.

When you send the response:

- for paper documents, use a signature-required courier, or
- for electronic documents, email them in a zip file with a password, and send the password separately by text or phone call. Note: If your computer doesn't have the capability to zip a file, contact the IT team to request installation of 7-Zip for free.

