



27 October 2022

Tēnā koe

On 8 September 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

For the avoidance of doubt, this request seeks information in relation to this situation: www.nzherald.co.nz/nz/politics/covid-19-outbreak-blunder-in-wellington-let-women-into-northland-and-shut-the-region-for-11-days/D3OIYTFMDOSWGRYBTHFO2VY7JQ/.

- All information held, or sent by or received by MSD relating to the handling business travel documents applied for on or about September 30 2021, granted in error and then cancelled on October 5 2021.*
- The NZ Herald consider this request would include correspondence with other agencies (such as MBIE), with offices of Ministers, with police and with the parties who received the business travel documents. It would also include internal correspondence, diary notes, reports and other material that might have been generated.*

On 6 October 2022, the Ministry advised that we would be extending the timeframe to respond to your request as the consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

I am providing you with as much information as possible through a summary of relevant documents, pursuant to section 16(1)(e) of the Act. This has been done to ensure that the privacy interests in the information remain protected.

I have also not provided you with various emails which you have already received in response to your information requests made to the Department of Prime Minister and Cabinet (DPMC), New Zealand Police, and the Office of the Minister for COVID-19 Response (section 18(d) of the Act refers).

Privacy interests

The Employment Relations Act 2000 (ERA) requires the Ministry to deal with its staff in good faith. This duty is much wider than implied mutual obligations of trust and confidence (section 4 of the ERA refers). Accordingly, staff can have a strong expectation of privacy in respect of information about their employment matters and can expect that the Ministry will not disclose information which would unnecessarily infringe upon their privacy.

This is consistent with one of the purposes of the Act, which is to protect official information to the extent consistent with the public interest and the preservation of personal privacy (section 4(c) of the Act refers).

Public interest reasons in releasing the information

Notwithstanding the above, the Ministry recognises that there are reasons why some of this information should be released.

There is a need to release information in the interests of transparency, where that information shows what happened. Also, there is a need to release information in the interests of accountability, to show that when issues are brought to the Ministry's attention, appropriate and proportional action is taken.

The Ministry recognises the strength of these interests but does not consider that they outweigh the privacy interests in withholding the information. Where possible however, I have provided a summary of the information that you have requested.

I will now respond to your request.

Summary of events

The Business Travel Register (BTR) system was set up the Ministry of Business, Innovation and Employment (MBIE) to provide an online portal where businesses could apply for travel documents to cross Alert Level boundaries. While most applications were able to be approved automatically, some applications required further review or assessment by an appropriate agency.

The Ministry was responsible for reviewing applications made under the following permitted travel categories:

- *Social and community-based services provided to support persons to maintain critical wellbeing or as crisis support for people who are unsafe or homeless.*
- *Social Services – foodbanks, food and meal delivery services.*

The Ministry was also responsible for reviewing applications made under the following exemption category: *Social Services – Other critical social services.*

Up until 23 September 2021, applications made under permitted travel categories were automatically approved. A fifteen percent sample these of applications reviewed post automatic approval.

When an application was made under an exemption category, the Ministry's role was to review it and make a recommendation to the Director General Health who would approve or decline the application.

From 24 September 2021, MBIE gave agencies the option to move to case-by-case assessments of permitted travel categories, if preferable. The Ministry chose to move to reviewing all applications under the social services permitted travel categories.

As you are aware, the application you refer to for permitted travel into Northland was approved by the Ministry in error. The staff member intended to decline the application, however accidentally selected the approval button instead. Once the error had been picked up, the application was reviewed again and immediately revoked. Further details on this event are set out below.

At the time the error occurred, the process for approving applications for permitted travel under social services categories outlined above was:

- The application is assigned to the Ministry in the MBIE BTR system
- The application is allocated to a Ministry staff member
- The staff member would review and assess the application
- The staff member would make a decision (approval or decline) in the MBIE BTR system.

Following this error, the Ministry implemented a two-person check process to ensure two staff assessed every application to reduce the risk of this happening again.

Additionally, the Ministry was later advised by MBIE that the BTR system had been amended to include a checkbox 'confirming application be approved/declined' which must be activated before an application could be approved.

Correspondence internally and between other government agencies

The Ministry's Māori, Communities and Partnerships business unit and the Office of the Chief Executive have looked into their records and advise that there is only very limited correspondence and a few text messages on this subject matter. Correspondence revolves around the creation of a summary of events which was provided to the Chief Executive.

Regarding the text messages in scope of your request, the Chief Executive briefly discussed the subject with the Deputy Chief Executive of Māori, Communities and Partnerships between 9-11 October 2021. The Chief Executive asked to be advised of the process of how travel applications for permitted and exemption categories were processed. The Chief Executive was advised in accordance with the summary of events referenced above.

On 5 October 2021, the Ministry was informed by MBIE that New Zealand Police had queried this travel document application. The Ministry reviewed the application and advised MBIE on the same day that it should have been declined (approved in error) and would be revoked.

Further communications with MBIE related to the following:

- Confirmation that the application reported in the media was the same BTR permitted travel application as the one identified and revoked.
- Confirmation of the implementation of the additional checkbox within the BTR system.

Between the dates of 13-15 October 2021, the Ministry also provided an update to the COVID-19 Group at DPMC on the travellers in Northland. This also included information provided to you in the earlier summary of events.

On 11 October 2021, the office of the Minister for Social Development and Employment was provided with a summary of events relating to the incident. Again, this information is covered in this response.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

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 this response, 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.

Ngā mihi nui

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a long horizontal line that tapers to a point on the right.

Rebecca Brew-Harper
General Manager, Services and Contracts Management
Māori, Communities and Partnerships