



27 MAY 2021

Tēnā koe

On 1 May 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), a copy of the Ministry's code of conduct (the Code) for obtaining information under Section 11 of the Social Security Act. This is now referenced as Schedule 6 in the Social Security Act 2018.

In October 2018, the Office of the Privacy Commissioner (OPC) started an inquiry into the Ministry's use of its statutory powers to gather information when investigating fraud. While the inquiry focused on Schedule 6 of the Social Security Act 2018, the Ministry has similar powers under Section 125 of the Public and Community Housing Management Act 1992.

These powers extend to the Ministry issuing notices requiring people to produce information and documentation, and largely govern the collection of information for the purpose of recovering overpayments and investigating allegations of fraud.

To ensure the Ministry is appropriately using these powers, Codes of Conduct are issued to govern their use. The Codes provide safeguards to protect an individual's right to privacy and ensure fair procedures are followed by the Ministry.

The Codes are like a Privacy Code of Practice and any person who has received or is a subject of a notice can complain to the Privacy Commissioner about a breach of the Code.

OPC publicly released their final report on 16 May 2019 with five recommendations, including to "undertake a comprehensive review of the Code in consultation with stakeholders and with consideration given to the findings of this report."

The Ministry has worked with stakeholders and the OPC to review the Codes. The revised Codes came into force from 1 March 2021 and can be found on the Ministry's website at <https://www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/index.html>.

As such your request for the Code is refused in full under section 18(d) of the Act, as the information requested is already publicly available.

To support use of the revised Codes, investigation an Ethics Framework was also developed and is available at the link above.

More information on our fraud investigations can also be found at <https://www.workandincome.govt.nz/on-a-benefit/your-rights-and-responsibilities/how-to-avoid-benefit-fraud.html>.

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 of Social Development'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 regarding the Ministry's Code of Conduct, 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



George Van Ooyen
Group General Manager
Client Service Support