



3 February 2022

Tēnā koe

On 11 November 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Which statutory provisions authorise the Ministry to withhold benefits unless information is provided to Student Job Search (or to privately-owned/ commercial agencies generally).*
- *Please confirm that the Ministry has an agreement in place with SJS so that when the Ministry requires disclosure by applicants to SJS, there are contractual terms in place to ensure information will be treated privately to the same standard as the Ministry applies.*
- *Copies of the contract terms referred-to in (2) above.*

On 9 December 2021, the Ministry emailed you to advise that we would require additional time to respond to your request as the consultations necessary to make a decision on the request were such that a proper response to the request could not reasonably be made within the original time limit.

For clarity, I will provide a response to each of your points in turn.

- *Which statutory provisions authorise the Ministry to withhold benefits unless information is provided to Student Job Search (or to privately-owned/ commercial agencies generally).*

The Jobseeker Support Student Hardship (JSSH) is a work-tested benefit meaning clients applying for JSSH need to prove that they are meeting their obligations to be available for, and actively seeking, full-time work. Clients must be registered with **either** Work and Income **or** Student Job Search to qualify for JSSH. This is outlined on the Work and Income website here: [www.workandincome.govt.nz/map/students/jobseeker-support-student-hardship/registration-with-student-job-search-01.html](http://www.workandincome.govt.nz/map/students/jobseeker-support-student-hardship/registration-with-student-job-search-01.html).

Clients with specific circumstances may apply for an exemption to full-time work obligations. You can find out more about exemptions from work obligations, here: [www.workandincome.govt.nz/map/students/jobseeker-support-student-hardship/exemptions-01.html](http://www.workandincome.govt.nz/map/students/jobseeker-support-student-hardship/exemptions-01.html).

StudyLink are unable to grant JSSH to a client where they have not met their work obligations or have not met the criteria for exemption. This is outlined in the Social Security Act 2018 in sections 144 and 146 to 151, available in the public domain on the Legislation website at the following link: [www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783387.html](http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783387.html).

- *Please confirm that the Ministry has an agreement in place with SJS so that when the Ministry requires disclosure by applicants to SJS, there are contractual terms in place to ensure information will be treated privately to the same standard as the Ministry applies.*
- *Copies of the contract terms referred-to in (2) above.*

The Ministry has a long contractual history with Student Job Search Aotearoa Incorporated (SJS) to deliver employment assistance services to tertiary students nationally. The Ministry's current Outcome Agreement with SJS is for the term 1 July 2021 to 30 June 2023 ("the Outcome Agreement") and is released to you as **Appendix One**.

You will note that the names of some individuals are withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Clause F of the Outcome Agreement states that the Framework Terms and Conditions (2<sup>nd</sup> Edition) form part of the agreement. This has since been replaced by the Framework Terms and Conditions (3<sup>rd</sup> Edition) on the Ministry of Business, Innovation and Employment's (MBIE's) website. However, you can access the Framework referenced in the Outcome Agreement in the User Guide available publicly on the Procurement website at the following link: [www.procurement.govt.nz/assets/procurement-property/documents/user-guide-2nd-edition-framework-terms-conditions.pdf](http://www.procurement.govt.nz/assets/procurement-property/documents/user-guide-2nd-edition-framework-terms-conditions.pdf).

Clause 8 of the Framework Terms and Conditions (2<sup>nd</sup> Edition) details the expectations the Ministry has of SJS as a provider in respect of the collection, use and disclosure of personal information relating to services it delivers under the Outcome Agreement, which includes that SJS complies with relevant Privacy laws.

The Ministry notes that SJS also has a privacy policy that is publicly available and can be found at this link: [www.sjs.co.nz/content/privacy-policy](http://www.sjs.co.nz/content/privacy-policy).

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.

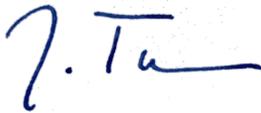
This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachment on the Ministry's website. Your personal 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](mailto: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](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

pp.



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