



7 July 2022

Tēnā koe

On 1 June 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *I previously submitted an OIA request on 30 November 2021 asking for a copy of a document relating to automated decision making. I was advised that the document was being presented to the Minister in early 2022. In an e-mail on 18 February, I was encouraged to submit a new OIA request later in the year if the document remained of interest. I followed up in April to confirm whether or not the advice had been provided to the Minister yet and therefore whether or not I could request the document, but did not receive a reply, so am now submitting a fresh OIA request.*
- *Under the OIA, I would like to request a copy of the document "Automated decision making in MSD: proposed legislative and policy framework", dated May 2021.*

On 1 July 2022 you were advised that the Ministry required more time to complete consultations necessary to make a decision on the request. The reason for the extension was that 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.

Further to the Ministry's response to you of 10 February 2022, the Ministry has assessed your response and has decided to provide you with a copy of the internal memoranda *Automated decision-making in MSD: Proposed Legislative and Policy Framework for consideration by the MSD Leadership Team on 5 May 2021*, with redactions.

Some information is withheld under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. The release of this information is likely to prejudice the ability of government to

consider advice and the wider public interest of effective government would not be served.

In addition, some further information is withheld under section 9(2)(h) of the Act in order to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

The Ministry is not able to advise when decisions relating to content withheld under section 9(2)(f)(iv) of the Act are likely to be made on the memoranda.

In the meantime, the Ministry is able to provide you with a copy of its *Automated Decision-Making Standard*, which was approved in February 2022 and is to be applied where:

- there is a proposal to automate a decision, and
- the automated decision has the potential to affect, an individual's entitlement, obligations, or eligibility status for support delivered or funded by the Ministry.

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.

The 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 for a copy of internal memo on *Automated decision-making in MSD: Proposed Legislative and Policy Framework*, 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 blue ink, appearing to read 'Bede Hogan', with a long horizontal stroke extending to the right.

Bede Hogan
Policy Manager
Income Support Policy