



7 March 2022

Tēnā koe

On 20 November 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information regarding a Radio New Zealand interview of COVID-19 Response Minister, Hon Chris Hipkins, in which he indicated that the Ministry approved and subsequently revoked the border exemption of two women who went from Auckland to Northland:

- 1. All internal correspondence and communications at the Ministry of Social Development (MSD) regarding this exemption (including the granting/revocation of the exemption) and the people who applied for the exemption. This includes text messages where the sender or recipient holds a leadership or managerial position at MSD. Apart from such instances, text messages are not requested.*
- 2. All advice provided to the Ministry of Social Development Chief Executive or senior leadership team about this border exemption and the two women, inclusive of why the exemption was first granted and later revoked.*
- 3. Advice, communications or correspondence regarding the staff involved in the granting of this exemption and its revocation, including their relationship, if any, to the two women who received border exemptions.*
- 4. Actions MSD took to reduce the likelihood of needing to revoke an exemption in similar circumstances again.*
- 5. All correspondence and communications MSD received from other Government departments, agencies or advisors about this border exemption or the two women. This requests includes text messages.*
- 6. If more people beyond the two women were connected to this border exemption, I seek all such information requested in the bullet points above inclusive of any such other people.*

On 2 February 2022, you refined your request to:

- exclude correspondence that solely relates to parliamentary questions and previous OIA requests on this matter (subject matter refinement), and

- exclude staff members who are not part of the Office of the Chief Executive or the DCE's office of the Ministry's relevant business unit *Māori, Communities and Partnerships* (staff member refinement).

I am providing you with as much information as possible, through a summary of the 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. There is also certain information that I am unable to provide to prevent prejudice to the maintenance of the law.

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 some 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.

For the sake of clarity, I will address each of your questions in turn:

- 1. All internal correspondence and communications at the Ministry of Social Development (MSD) regarding this exemption (including the granting/revocation of the exemption) and the people who applied for the exemption. This includes text messages where the sender or recipient holds a leadership or managerial position at MSD. Apart from such instances, text messages are not requested.*

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

With regard to text messages, 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 applications for border exemptions are processed. The Chief Executive was advised in accordance with the summary of events referenced below.

- 2. All advice provided to the Ministry of Social Development Chief Executive or senior leadership team about this border exemption and the two women, inclusive of why the exemption was first granted and later revoked.*

An application for permitted travel into Northland under the social services category was approved by the Ministry in error. False information supplied included the applicant's role, and what services the organisation provides. The Ministry revoked the application once it was made aware of this.

The standard process for approving travel applications is:

- Once an application has been received, it is allocated to a Ministry staff member
- The staff member reviews the application
- The staff member makes a decision (approval or decline) in the Ministry of Business, Innovation and Employment's (MBIE) Business Travel Register system.

In the case at issue, the relevant staff member accidentally approved the application in error. Once the error had been picked up, the application was reviewed again and the approval was immediately revoked.

Following this incident, the Ministry implemented a two-person check process to ensure two staff assess every application to reduce the risk of this happening again. MBIE also made a change to the Business Travel Register system.

- 3. Advice, communications or correspondence regarding the staff involved in the granting of this exemption and its revocation, including their relationship, if any, to the two women who received border exemptions.*

A summary of the advice in scope of this part of your request has been outlined above. With regard to correspondence, I refer to my response to the first part of your request.

There was no relationship between the Ministry staff member involved and the people who made the application.

- 4. Actions MSD took to reduce the likelihood of needing to revoke an exemption in similar circumstances again.*

Please refer to my response to part two of your request.

- 5. All correspondence and communications MSD received from other Government departments, agencies or advisors about this border exemption or the two women. This requests includes text messages.*

The Ministry was made aware by MBIE that the case reported in the media was a Business Travel Register application processed by the Ministry. The Ministry was later advised by MBIE that the Business Travel Register had been amended to include a checkbox 'confirming application to be approved/declined' which must be activated before an application can be approved.

The Ministry provided an update on the travellers in Northland to the Department of Prime Minister and Cabinet (DPMC).

6. If more people beyond the two women were connected to this border exemption, I seek all such information requested in the bullet points above inclusive of any such other people.

The Ministry does not hold any information about whether other people are connected to the travel application. This aspect of your request is refused under section 18(g)(i) of the Act as and the Ministry has no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

The principles and purposes of the Act 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.

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.

Nāku noa, nā



Marama Edwards
Deputy Chief Executive
Māori, Communities and Partnerships