



3 May 2023

Tēnā koe

On 3 March 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Pursuant to the Official Information Act 1982 ("the Act"), noting s 5 of the Act, Cooper Legal requests the following:*
 - a. *The legal basis for the Historic Claims Team within the Ministry of Social Development obtaining survivor records from Oranga Tamariki and all documents, including emails and letters related to this practice,*
 - b. *Whether the Ministry of Social Development receives these documents in a redacted or unredacted form, and all documents, including emails and letters related to this practice, and*
 - c. *The legal basis for the requirement imposed by the Ministry of Social Development that Cooper Legal, and/or other law firms representing survivors, must request survivor-client records from the Ministry for Social Development and not request such records from Oranga Tamariki, and all documents, including emails and letters related to this practice.*

In response to your questions, I am providing you with as much information as possible by way of a summary response under sections 16(1)(e) and 16(2)(a) of the Act. This is because there is a significant amount of documentation within the scope of your request and making this information available would impair efficient administration.

The Historic Claims team manages claims of abuse or neglect for people who were in the care, custody or guardianship of the Child Welfare Division, the Department of Social Welfare, or Child, Youth and Family.

On the creation of Oranga Tamariki on 1 April 2017, the government agreed that the historic claims process should remain with the Ministry. To enable the

Historic Claims team to perform its role, a group of staff members within Historic Claims currently accesses Oranga Tamariki's core client record system, CYRAS (Care and Protection, Youth Justice, Residences and Adoptions System which is the core information system that supports these activities within Oranga Tamariki and its predecessor organisation), TRIM (an index of state care physical files) and the associated hard copy files. Direct access to CYRAS is used for the purpose of gathering information that is relevant and necessary to assess and manage a claim.

As such, unredacted documents may be accessed as part of this assessment.

The Government has determined that the Historic Claims group has responsibility for responding to claims for abuse in care prior to the establishment of Oranga Tamariki. Historic Claims only access CYRAS and TRIM for that purpose. Responding to claims is part of the purpose for which the information is/was collected.

Accordingly, the Ministry considers that this access is authorised under Information Privacy [Principle 11\(1\)\(a\) of the Privacy Act 2020](#).

There is no legal requirement that requests for survivor-client records must be made to the Ministry and not Oranga Tamariki. However, to help ensure a 'no wrong door' approach, and avoid duplicated efforts across the Ministry and Oranga Tamariki, we welcome direct requests from claimants for their survivor-client records (which, as explained, we also require for the assessment of any claim).

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 attachments 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, appearing to read 'Melissa Gill', written in a cursive style.

Melissa Gill

**Deputy Chief Executive
Organisational Assurance and Communication**