



16 December 2025

Tēnā koe

Official Information Act request

Thank you for your email of 27 November 2025, with a complaint about the lack of response to earlier requests to the Ministry of Social Development (the Ministry) under the Official Information Act 1982 (the Act) and the Privacy Act 2020.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on your request set out below.

Please note that for your request to be considered under the Act, it must be a request for official information held by the Ministry under section 12 of the Act. More information on what is considered as 'official information' is available on the Office of the Ombudsman's website, at the following link: www.ombudsman.parliament.nz/sites/default/files/2025-06/Making%20official%20information%20requests%20-%20A%20guide%20for%20requesters.pdf.

I understand you received a response on 3 December 2025 from the Ministry to your emails dated 16 and 29 October and 14, 22, 24 and 27 November 2025 regarding the recent High Court decision about Accident Compensation Corporation lump sum payments.

However, in your email dated 27 November 2025, your request for: *any policies/internal guidelines that set out what is supposed to happen with when someone makes an OIA request or a privacy information request can be responded to under the Act.*

Please find attached two appendices that address this request.

- Appendix 1 - Official Information Act Requests (Policy Guidance) – Doogle.
- Appendix 2 - How to handle requests for personal information – Doogle.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

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 my decision on your request, 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

pp.

A handwritten signature in black ink, appearing to read 'Anna Graham', written over the 'pp.' text.

Anna Graham
General Manager
Ministerial and Executive Services

Official Information Act Requests (Policy Guidance)

This page outlines what Official Information Requests are and the procedure for Policy branch teams when responding to them.

What are Official Information Act Requests?

The Official Information Act 1982 (OIA) allows any of the following people in New Zealand to request official information held by government agencies, including the Ministry of Social Development:

a person who is in New Zealand

any New Zealand citizen or permanent resident who is overseas

anybody corporate that is incorporated in New Zealand or one that is incorporated outside of New Zealand but has its place of business in New Zealand.

Requests can take a variety of forms, from broad demands for information on a topic to requests for specific documents.

What is involved in responding to an Official Information Act Request?

Official Information Act requests are co-ordinated by the Ministerial and Executive Services (MaES) team. On receiving the OIA request, MaES contacts the relevant business unit asking for the necessary information and documentation.

If you are contacted about an OIA request as a policy analyst, it is your responsibility to act as a subject matter expert on the particular information or documents that the requester is asking for. This will involve two key tasks:

Gathering the information that the requester is asking for.

Completing a risk assessment that identifies any potential issues that may arise from releasing the information.

As part of commissioning, you will also have the opportunity to meet with a MaES advisor to discuss the request. This will help to clarify what is required in your response.

What is the procedure for responding?

The link below sets out the procedure for responding to an Official Information Act Request.

[Official Information Act Request Procedure](http://doogoo/documents/helping-you/policy-advice/key-policy-papers/oia-workshop-timeline.docx) (Word 85.13KB) [<http://doogoo/documents/helping-you/policy-advice/key-policy-papers/oia-workshop-timeline.docx>]

What is the timeline for responding?

A response must be provided within a maximum of 20 working days, unless there is a good reason to extend.

Note that:

Timelines are set in the OIA and allow all relevant groups (both within MSD and external stakeholders) to be properly consulted on the release of information.

However, timelines are not set in stone. If you cannot provide information within the set timeframe, tell MaES as soon as possible so that they can use levers in the OIA to grant an extension.

These levers require a short explanation as to why the request will take more time. Extensions can be sought on the grounds of consultation or because the quantity of information will take longer than 20 working days to gather and assess the material.

The OIA does not allow for 'undue delay' – 20 working days is a time limit, not a goal.

The State Services Commission and the Office of the Ombudsmen monitor the quality and timeliness standard of MSD's OIA responses and these statistics are publically available.

Writing a good risk assessment

Any information requested under the OIA is subject to a risk assessment, which needs to be carried out as part of your response.

A good risk assessment will clearly set out any potential issues that may arise from releasing the information. If information should be withheld, your risk assessment needs to explain why.

Ideally, risks identified in a risk assessment will be mitigated. An effective mitigation may help with future work. Keep in mind that mitigations must set out current realities – not aspirational statements or Ministry intentions.

You should identify additional information that is relevant. For example, a document to be released may state that another document will be provided to Cabinet by a certain date. If this did not occur, note that in the assessment.

An annotated copy of the documents in question may also be helpful to include in your assessment.

Common withholding grounds for risk assessments

The OIA functions on the principle of availability. This means that we should always seek to release as much information as we can (without impeding the Government's ability to make decisions).

However, there are grounds for withholding information. Common withholding grounds include:

9(2)(a) Privacy of natural persons – If the release of information would breach the privacy of a natural person it may be withheld.

9(2)(f)(iv) Active Consideration – This is used where a decision is still being considered and releasing information would impede decisions from being made. For example, if a policy is still under active consideration and information is released under the OIA, it may lead to lobbying.

9(2)(g)(i) Free and Frank – This generally takes the form of an opinion or detail on how the release of this information would affect the supply of similar information in the future. Free and frank policy advice is likely to be advice that Ministers don't want to receive but we have the obligation to tell them.

9(2)(j) Commercial and Industrial Negotiation – MSDs position (i.e. revealing how much we pay providers) needs to be heavily weighed against public interest.

9(2)(b)(ii) Commercially Sensitive – A provider's IP/commercial position needs to be heavily weighed against public interest.

9(2)(h) Legal Professional Privilege – Any advice that is subject to legal professional privilege may be withheld (but could be released if there were strong grounds that release is in the public interest).

18(d) - This applies when the information is due to be released to the public soon (in 8 weeks or less). There should be a planned release - it should not be used as a deferral tactic. It only applies to documents, not announcements or general information (i.e. a paragraph in a report).

Top tips

Make use of commissioning - this is your opportunity to clarify the kind of information will need to provide to MaES. OIA requests are often quite broad, as the requestor may not be exactly sure of what they are after. Following a commissioning meeting, your MaES advisor may go back to the requester to clarify the intent of the request and refine it to specific documents/data.

Communicate early and often – if something is going to take longer than expected, let MaES know.

Remember the person on the "other side" of the request. Late responses affect other people's work schedules (often requesters are Journalists or other professionals) and can put us at risk of a complaint to the Ombudsman.

Consult MaES if you are unsure which withholding grounds can be applied.

Templates

[Official Information Act Request Template](http://doogie/documents/helping-you/policy-advice/key-policy-papers/oia-risk-assessment-template.docx) (Word 90.34KB) [<http://doogie/documents/helping-you/policy-advice/key-policy-papers/oia-risk-assessment-template.docx>]

Useful links

[Releasing information under the Official Information Act and the Privacy Act](http://doogie/helping-you/information-hub/managing-ministry-information/releasing-information.html) [<http://doogie/helping-you/information-hub/managing-ministry-information/releasing-information.html>]

This page provides a useful FAQ about releasing information under OIA and the Privacy Act.

[Free and frank and the Official Information Act](https://www.victoria.ac.nz/data/assets/pdf_file/0006/1500828/Kibblewhite_Boshier.pdf) [https://www.victoria.ac.nz/data/assets/pdf_file/0006/1500828/Kibblewhite_Boshier.pdf]

This page discusses how to balance the provision of free and frank advice with the release of information under the Official Information Act.

How to handle requests for personal information

This page explains what 'personal information' is, people's rights to access their personal information, and the process for handling access requests. You can find templates to help you manage requests under 'Related links'.

On this Page:

What is 'personal information' about someone?

Personal information is information which tells us something about a specific individual. The information doesn't need to name the person if they're identifiable in other ways.

At te Manatū Whakahiato Ora (MSD) we hold many different kinds of personal information, such as: people's names, addresses and other contact details, birthdates, etc. We may also hold clients' medical, financial, and employment information, and information about their families and living situation.

This information is held in documents, emails, notes, and reports, and is stored in many places including CMS, EDRMS (Objective), physical files, and core systems like SWIFTT, TRIM, and HIYA.

A person doesn't need to be named for the information to be 'personal information'. If the information tells us something about them, and our systems can link it back to them, then it is personal information.

Official information is all information held by MSD.

People have a right to ask for their own personal information

Under the Privacy Act 2020, people are entitled to ask us:

whether MSD has personal information about them, and
for access to any personal information that we hold about them.

We call these 'access requests'.

Where MSD staff are requesting access to their personal information (or official information in a personal capacity), please see [this page](http://doogee/business-groups/people-culture-strategy/maes/staff-information-requests.html) [http://doogee/business-groups/people-culture-strategy/maes/staff-information-requests.html] for information on how to handle these requests.

Timing

Under the Privacy Act we have 20 working days to respond to access requests. The Office of the Privacy Commissioner's website has a [Response Calendar](https://www.privacy.org.nz/your-rights/your-privacy-rights/) [https://www.privacy.org.nz/your-rights/your-privacy-rights/] to help you work out the response due date on Privacy Act Requests.

There's a limited range of reasons for refusing an access request. For example, some of the information may not be provided if the information would endanger the life or health of the requester or another person. If we refuse an access request, we must still respond to them within 20 working days and let them know we are refusing their request. If you don't know whether the information can be released, or if you think there is a risk that the information might negatively affect the health or safety of the requestor or another person if we release it, whakapā mai at PrivacyOfficer@msd.govt.nz [mailto:PrivacyOfficer@msd.govt.nz] for a kōrero (chat) and some advice.

It doesn't matter why they want it

People don't have to give us a reason for asking for access to their information. If it's about them, they're entitled to get it, unless the law allows us to say no.

They don't have to spell out what they want

People often ask for "all the information you have about me".

The Privacy Act doesn't require them to be more specific and people often can't be more specific because they don't know what we hold – that's why they're asking.

Talk to the requester

It's fine to have a kōrero with the person about what they need – that might be helpful for them. They may ask for all the information we hold about them, but in actual fact, they only want to know how we've calculated their benefit, or what records we have about their medical history.

By having a kōrero with them you might be able to narrow down the search parameters, which will make it quicker and easier for you to respond to them. But, if they want everything, we must consider their request.

They don't have to mention the Privacy Act

Requesters don't always mention the Privacy Act when they ask for their information. Sometimes they get it wrong and talk about the Official Information Act instead.

It doesn't matter. It's up to us to know that if they ask for information about themselves, then the Privacy Act applies.

Helpful links when responding to Privacy Act Requests

Requesting Call Recordings

To request call recordings (except when it's for NZ Police evidential purposes or security incidents), fill in the [Business Request for Call Recordings form](http://doogle/helping-you/msd-service-desk/forms-and-requests/business-request-for-call-recordings.html) [http://doogle/helping-you/msd-service-desk/forms-and-requests/business-request-for-call-recordings.html] on Doogle.

An analyst then burns the specified recordings onto a CD and courier it to the appropriate office/staff member to include with their reply.

You won't necessarily know the specific dates of the calls or the IDs/staff the requestor wants. In this case, just write the date range and any of the client's known phone number(s).

Requesting Emails

There's two parts to this process, depending on what we know about how the individual has been interacting with MSD:

When we know every staff member who would have sent or received emails about the client, we can reach out to the Windows Team in IT, who can carry out searches for relevant emails; or

When we don't know every staff member who has sent or received emails about the client, we can reach out to the Internal Integrity Team in Workplace Integrity, who can use the RAFT system to search for relevant emails.

When you need to know what members have accessed a client's record, use the [Audit Request Form](https://doogle.ssi.govt.nz/helping-you/msd-service-desk/forms-and-requests/audit-request-form.html) [https://doogle.ssi.govt.nz/helping-you/msd-service-desk/forms-and-requests/audit-request-form.html].

Requesting client information stored within M365

Some client information could be stored within Microsoft 365 (Microsoft Teams; One Drive; Exchange Online; SharePoint or other applications). Email the Information Group to Rōpū Whakamōhiōhio at [the Information Group](mailto:infohelp@msd.govt.nz) [mailto:infohelp@msd.govt.nz] for help extracting this information.

Templates for responding to requests for personal information

Some helpful templates for responding to an access request are linked on the right-hand side of this page.

Kia mahi tahi tātou ki te tiaki i te mōhiōhio o ngā iwi o Aotearoa!

Let's work together to steward the information of New Zealanders!