



24 FEB 2020

Dear [REDACTED]

On Friday 24 January 2020, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982, the following information:

'Information about the processes in place that govern how the Ministry shares information about clients with Oranga Tamariki and Department of Corrections'

Information Sharing is the disclosure of personal information by one agency to another or within an agency. The Ministry is one of the largest consumers of information from other government agencies, and uses it to deliver services, undertake research, and shape policy decisions. The Ministry currently has about 22 authorised information matching programmes and hundreds of Memoranda of Understanding (MoUs) with numerous agencies.

Information sharing is governed by legislative provisions and various information sharing arrangements.

Please note that legislative provisions and most of the information sharing arrangements are publicly available. Links are provided below for your reference.

For your convenience, please note the following information:

1. Legislative provisions

Legislative provisions allow the Ministry and other Ministries such as Oranga Tamariki (OT) and the Department of Corrections (Corrections) to share confidential and private information in certain circumstances. These are:

- Section 66 of the Oranga Tamariki Act 1989, which allows for the sharing of information across government where it is believed that a child is at risk of harm. This legislation requires agencies to provide any information relating to a child or young person, where the information is required to determine whether they are in need of care and protection. This is most likely to occur in relation to specific cases where a social worker from OT and a case manager from the Ministry work together to ensure the safety of a child or young person. The relevant legislation is available at www.legislation.govt.nz/act/public/1989/0024/124.0/DLM150049.html.

- Section 20 of the Family Violence Act 2018 introduces new laws that allow information to be shared to identify, stop, prevent and otherwise respond to family violence. The Family Violence Act applies to the family violence sector and enables the Ministry to share information with other family violence-related agencies, which, according to section 19 of the Family Violence Act, includes OT and Corrections. These Ministries are authorised to request information from each other under the Act. The relevant legislation is available at: www.legislation.govt.nz/act/public/2018/0046/latest/LMS113032.html.
- Section 11 of the Social Security Act 1964 empowers the Ministry to collect information relating to eligibility to benefits, including from another agency. This power is exercised on the basis of the *Code of Conduct for Obtaining Information under Section 11 Social Security Act 1964* developed in accordance with section 11B of the Social Security Act. The Code of Conduct sets out the conditions under which the powers granted to the Ministry under section 11 of the Social Security Act may be exercised. A copy of this document is available on the Ministry's website at www.msd.govt.nz/documents/about-msd-and-our-work/about-msd/legislation/code-of-conduct-section-11-ssa.pdf. The Social Security Act is available in full at www.legislation.govt.nz/act/public/1964/0136/229.0/DLM360781.html.
- The Privacy Act 1993 includes various provisions allowing for information to be shared for a number of reasons. Section 6 of the Privacy Act sets out the information privacy principles, including principle 11 which sets out the limits of disclosure, and the rules under which personal information may be shared. This may include sharing information to ensure that the law is maintained, to protect public revenue, for legal proceedings, where there is a serious risk of public safety, for national security reasons, for the sale of a business, or for research purposes. The Privacy Act is available in full at www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html.

2. Information sharing arrangements

The Ministry uses several arrangements to handle information exchange with other agencies, including Information Matching Agreements (IMA), Memorandums of Understanding (MoU), Approved Information Sharing Agreements (AISA), Information Sharing Agreements (ISA) and International Agreements.

Please find a list of the largest information sharing arrangements which allow information sharing between the Ministry and OT and/or Corrections below:

- **Information Sharing Agreement to support continuity of services for and by the Ministry for Vulnerable Children, Oranga Tamariki**
 - This information sharing agreement is based on the State Sector Act 1988, the Privacy Act 1993, the Social Security Act 1964, the CYPF Act 1989, the Tax Administration Act 1994, the Vulnerable Children Act 2014, the Privacy (Information Sharing Agreement for Improving Public Services for Vulnerable Children) Order 2015, and the Official Information Act 1982. The parties included in the agreement are the Ministry and OT. The agreement has been effective since 1 April 2017. Information is shared on an on-going basis. The purpose of the agreement is to address sharing arrangements for a broad range of

information: personal information, business and commercially sensitive information, other classified information and unclassified information.

- The agreement addresses the sharing of information between the Ministry and OT to enable continuity of business processes and services to clients and customers. Prior to 1 April 2017, this was the sole responsibility of the Ministry.
- **Information Matching Agreement between Department of Corrections and The Ministry of Social Development Corrections/MSD Match**
 - This matching agreement is based on Section 99 of the Privacy Act 1993 and Sections 180-180B of the Corrections Act 2004. Parties to the agreement are the Ministry and Corrections. The agreement has been effective since 16 October 2008 and is in daily use.
 - The purpose of this agreement is to use Corrections information to identify clients who have been or are being held in prison and may be ineligible for the Ministry's assistance. Information matching under this agreement is conducted as follows: Corrections supplies data files on a daily basis to a delegated representative of the Ministry who has the function of receiving data and running the data matching process. The files are to be supplied to the Ministry electronically and are password protected.
- **Agreement for Sharing Information about Child Sex Offenders**
 - This Memorandum of Understanding is based on Sections 182A(1) and 182D of the Corrections Act 2004. Parties to this agreement are the Ministry and Corrections. This agreement has been effective since 8 May 2014. Information is shared weekly and upon request.
 - The purpose of this agreement is to provide personal information to the Ministry regarding child sex offenders including name, alias, gender, date of birth, and other data.

Please find further information regarding information sharing with OT on their website: www.orangatamariki.govt.nz/assets/Uploads/Information-sharing/information-sharing-Guidance-OT-Act-1989.pdf

Information regarding information sharing is also available on the Corrections website: www.corrections.govt.nz/about_us/who_we_are/our_privacy_commitment

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 on the Ministry of Social Development'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, OT and Corrections with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding information sharing processes by the Ministry, 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.

Yours sincerely

A handwritten signature in black ink, appearing to be 'PP' with a long horizontal stroke extending to the right.

Pennie Pearce
**General Manager
Information**