



26 July 2022

Tēnā koe

On 15 June 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *We request that you please provide a copy of any documents outlining MSD's criteria and / or guidelines and / or policies for considering and assessing whether and what information should be disclosed and what information is required to be redacted under the Act.*

On 13 July 2022, the Ministry emailed to advise that more time was required for necessary consultations to make a decision on your request. As such, you were advised that a decision will be with you no later than 26 July 2022, in accordance with section 15(1) and 15A of the Act.

The context you provided around this request indicated that you were interested in documents relating to information releases as part of the Historic Claims process. Therefore, we have limited our search for documents to the Historic Claims area.

The Historic Claims team is responsible for releasing a person's care records where that person has registered a historic abuse claim with the Historic Claims team and requests a copy of their care records. As part of this release process, staff will redact information in accordance with the Privacy Act 2020 before it is released to the claimant or their legal representative.

Documents that guide staff in their application of the Privacy Act have been included in the response to this request. Please note that these documents are not the sole source of guidance.

Staff are also guided by the Privacy Act 2020 itself and by advice on the Privacy Commissioner's website at the following link: www.privacy.org.nz/responsibilities/your-obligations/. Verbal discussions about specific cases with more senior team members are commonplace and allow information to be shared across the team. Privacy assessments are regularly calibrated for consistency and regular training forums allow unclear situations to be evaluated and better understood by team members. Legal advice is sought where needed, as is privacy advice.

Please find the following documents in response to your request:

- *PA 2020 – Savings Provisions Quick Guide*, dated 20 November 2020
- *PA 2020 – PIR Redaction Guidance*, dated 20 November 2020
- *Privacy Act case law summary*, dated 1 June 2021, and
- *Legal Professional Privilege Guide*, dated July 2019.

The Savings Provisions Quick Guide contains legally privileged information. As such, this document has been partially redacted 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 'Legal Professional Privilege Guide, dated July 2019' has been updated in response to your request for information, to remove references to legal advice. The general content has remained the same.

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.

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 regarding information required to be redacted under the Privacy Act, 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



James Kirkley-Matthews
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Historic Claims