



29 June 2023

Tēnā koe

On 26 April 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *We request correspondence between the Ministry and the Ministry of Justice and the Heads of the Family and Youth Court benches regarding the withholding or disclosure of court documents to a non-recent abuse survivor and/or their representative through a Personal Information Request in relation to the outcome about court documents that the Ministry communicated to in 2022.*

On 23 May 2023, the Ministry emailed you to advise that more time was required to respond to your request. The reason for the extension is that the consultations necessary to make a decision on your request are such that a proper response could not be communicated in the original 20 working day timeframe.

I have decided to grant your request by way of a summary under section 16(1)(e) of the Act. Releasing correspondence in the format you have requested would prejudice the interests protected by section 9 of the Act and there is no countervailing public interest (section 16(2)(c) of the Act refers).

Section 9(2)(h) has been considered in order to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

I would like to note that the Ministry does not have any direct correspondence in scope of your request with the Heads of Benches of the Family Court and Youth Court. Communication took place between the Ministry and the Ministry of Justice (MOJ).

I will now summarise the correspondence in scope of your request.

On 22 February 2021, [redacted] suggested a joint application to the Principal Family Court Judge and Principal Youth Court Judge to authorise the Ministry to release court documents that are in scope of a Personal Information Request (PIR).

Throughout 2021, preliminary discussions took place between our agencies about potential processes that could be implemented. The Ministry completed scoping work to estimate the number of court documents processed through PIRs over certain periods. I note that your firm was copied in to a number of these emails.

In April 2022, discussions resumed between our agencies about potential processes. The Ministry shared detailed estimations and examples of the nature of the court documents that we assess.

In June 2022, MOJ advised that the Heads of Benches did not support delegating decision-making authority to the Ministry on the treatment of court documents. The judicial authority remains with the court.

In August 2022, members of the Ministry's Historic Claims and Legal teams and MOJ's court operations team met to discuss a potential streamlined administrative process for requests for court documents.

As advised in the Ministry's email to you on 10 November 2022, there were a number of challenges in streamlining this process due to operational and legislative requirements. However, our agencies did agree that it was important requestors knew how to apply to access court documents and the Ministry noted that it is able to provide a copy of the Court file number if this has not been released to the claimant.

If you wish to discuss the judicial authority over court documents, I encourage you to contact MOJ directly.

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'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 correspondence between the Ministry and the Ministry of Justice, 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 'L. Hrstich-Meyer', written in a cursive style.

Linda Hrstich-Meyer
General Manager
Historic Claims