



1 November 2024

Tēnā koe

Official Information Act request

Thank you for your email of 9 October 2024, requesting information about complaints made to the Privacy Commissioner and their outcomes.

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

- 1. How many complaints to the Privacy Commissioner (Commissioner) have been made under the Privacy Act 1993 or the Privacy Act 2020 against the Department of Social Welfare, Department of Work and Income or Ministry of Social Development by or on behalf of a past or present recipient of a social security benefit?*

The number of complaints made to the Privacy Commissioner against the Ministry are published in our annual report. The annual reports for the past three years can be found here:

- <https://annualreport2021.msd.govt.nz/assets/Uploads/documents/Performance-financial-statements-and-appendices.pdf> - page 36 and 37
- <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/annual-report/2022/annual-report-2021-2022.pdf> - page 184
- <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/annual-report/2023/msd-annual-report-2023.pdf> - page 105

For 1 July 2023 – 1 June 2024, please see the below **Appendix**, containing **Table One**: Number of complaints made to the Privacy Commissioner against the Ministry of Social Development between 1 July 2023 and 30 June 2024.

For earlier years, you can find the annual reports published by the Privacy Commissioner on their website, here:

www.privacy.org.nz/search/SearchForm?Search=annual+reports&start=0

- 2. Of those complaints, how many were investigated by the Commissioner? Of the complaints investigated by the Commissioner, how many were resolved before formal findings were made? Of the complaints investigated by the Commissioner which resulted in formal findings, how many were upheld by the Commissioner?*

This information can be found in the links to the annual reports provided for question one above.

3. *How many complaints to the Commissioner were followed by proceedings before the Complaints Review Tribunal or Human Rights Review Tribunal?*
4. *And how many such proceedings were settled by the parties?*

You can find complaints to the Commissioner that were followed by proceedings before the Human Rights Review Tribunal (HRRT) on the NZLII website, here: <https://www.nzlii.org/nz/cases/NZHRRT/>

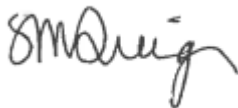
In the past four years, the Ministry has settled one privacy complaint at the HRRT. We have interpreted 'settled' to mean settled by monetary means.

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. 

Magnus O'Neill
General Manager
Ministerial and Executive Services

Appendix:

Table One: Number of complaints made to the Privacy Commissioner against the Ministry of Social Development between 1 July 2023 and 30 June 2024.

Date received	Number	Date closed by OPC	Outcome
30 October 23	ENQ/152665 (Suppressed)	6/11/2023	Not Investigated/ No Further action
7 November 23	C/32589 (Suppressed)	12/02/2024	Not Investigated/ No Further action
11 April 24	ENQ/152861	17/04/2024	Not Investigated/ No Further action
13 June 24	C/32933	Outcome pending	